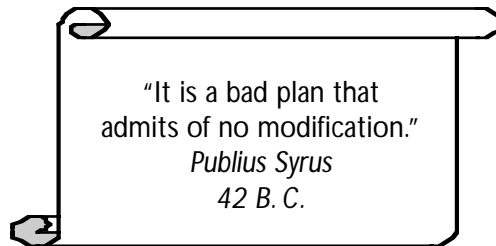


**NATIONAL MARINE  
SANCTUARIES**

**National Marine Sanctuary  
Management Plan  
Handbook**

Third Edition  
February 2002





## About This Handbook

This handbook, first prepared in December 1998 and revised in August 2000 and January 2001, provides participants (including the staffs and advisory councils of National Marine Sanctuaries), their partners, and other interested parties with an overview of how the National Marine Sanctuary Program (NMSP) conducts management plan reviews and designations.

This handbook incorporates the experience and knowledge gained by the NMSP since management plan reviews were started in 1998. Future editions will be prepared as necessary to reflect any additional lessons learned as reviews continue or to reflect major changes in the NMSP.

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## I. Introduction

### Overview of Management Plan Reviews

Management plans are site-specific documents that the National Marine Sanctuary Program (NMSP) uses to manage individual Sanctuaries. Management plans:

- summarize existing programs and regulations;
- guide preparation of annual operating plans;
- articulate visions, goals, objectives, and priorities;
- guide management decisionmaking;
- guide future project planning;
- ensure public involvement in management processes; and
- contribute to the attainment of system goals and objectives.

This handbook has been prepared to act as a reference book for participants in the management plan review process for the NMSP. The handbook may also be used for informational purposes for other parties, including Sanctuary Advisory Council members, jurisdictional partners in other government agencies, managers of marine protected areas (MPAs) outside the NMSP, and interested members of the public.

In 1998, the NMSP began a comprehensive process that will lead to the review and possible revision of management plans at all thirteen Sanctuaries. Reviews of management plans have been undertaken because:

- most existing management plans are 10 years old or older and evolving issues may not be adequately addressed;
- most existing management plans do not incorporate state-of-the-art concepts and practices associated with management of marine protected areas; and
- the National Marine Sanctuaries Act (NMSA) has a statutory requirement that management plans should be reviewed on a periodic basis.

### Principles for the Review and Revision of Management Plans

Revised management plans will be consistent with principles of sound marine resource management, available scientific information, legal mandates, and program policies.

There will always be a competing array of influences--social, economic, and political, among others--present throughout a management plan review that will help shape its development and implementation. This principle helps ensure that the management plans are prepared to further the stewardship mandate of the NMSP.

The management plan review process will examine the conservation role of each Sanctuary and determine if that role is as strong as is warranted to protect Sanctuary resources.

The primary mandate of the NMSP is the protection of Sanctuary resources; the management plan review will help determine if each Sanctuary's conservation role is as strong as it needs to be to protect its resources. An examination of the conservation role will involve a consideration of whether marine zoning is appropriate for the Sanctuary, and what types of zones, including those that restrict or prohibit harvest activities, are warranted.

The review process will include extensive public participation.

Public involvement, through Sanctuary Advisory Councils, workshops, public hearings, submission of written comments, and other means, is vital to the management plan review process. Public input helps identify issues and possible solutions, and also helps achieve public support for strategies developed in the management plan. The NMSP will facilitate full public participation as much as possible.

The management plan review process will be adapted to the needs and resources of the site, and driven by site-specific issues and needs, with a national issue and strategic plan overlay.

Each site has its own resources, issues, needs, and constituents, but it is also part of a national system of sites with its own issues and policies. This principle recognizes the balance that must be attained between the needs of an individual site and the requirements of that site as a member of a network of MPAs.

Staff resources, as necessary to complete the management plan review process, will be locally hired or contracted, where feasible.

Sanctuaries are important members of their communities and may support that community in many ways, including hiring or contracting with local experts. Hiring staff members who are knowledgeable about local issues and resources also increases the credibility of the management plan review and associated processes.

The revised management plan will be kept as simple as possible (consistent with legal and policy requirements), and written in plain language to allow a broad understanding by the general public.

This principle recognizes that management plans are easier for the general public to use if organized in a sensible, concise fashion and written in a nonbureaucratic, nontechnical manner.

#### Extent of Management Plan Reviews

The extent of a management plan review differs from site to site and should be determined by a discussion among site and headquarters staff, in consultation with legal advisors and jurisdictional partners. The extent of the review will fall along a continuum ranging from minor adjustments to a management plan to a complete revision of the document. The process discussed in the next section of this handbook is adaptable to any level of review, and may be somewhat shorter or longer than depicted, depending upon the complexity of the review.

A site should keep in mind that every problem does not necessarily need to be saved for the management plan review. If an issue is threatening a Sanctuary resource or if the management plan review is more than a year away, the site should take whatever steps are necessary to resolve that issue. This will help reduce the number of problems to be dealt with at one time. Additionally, not every issue has to be finished during a management plan review. If a problem or project is so complex or large-scale that it could or will delay the management plan review process, it should be planned during the review process and implemented at a later date (e.g., Tortugas 2000).



### Level of Effort During a Review

Management plan reviews require a hefty investment of labor and resources. While additional funding will be available to the site to help support the review and any subsequent revision, the site should also expect that many staff members will need to re-prioritize their work to allow their participation in this process, either as direct members of the team or at key points through collaboration and review. It is important that as many staff members as possible be involved in this process: they are after all building *their* management plan.

The review team itself should consist, at a minimum, of the Sanctuary Manager; a local project manager; personnel from headquarters, who will provide a national context for the review and serve as technical advisors; and the attorney assigned to the site in the NOAA's Office of the General Counsel for Ocean Services (GCOS).

The site's Sanctuary Advisory Council (SAC) should also be prepared to be involved in this effort. A SAC provides a link to the community, serves as a forum for discussion at various stages in the review process, and functions as a valuable partner for implementation of the management plan. If the site already has a SAC, efforts should be made early in the process to determine the appropriate role of the SAC in the process and to prepare SAC members to fulfill that role. If the site does not have a SAC, one should be established before or at the beginning of the process.

### Process for Review of a Sanctuary Management Plan

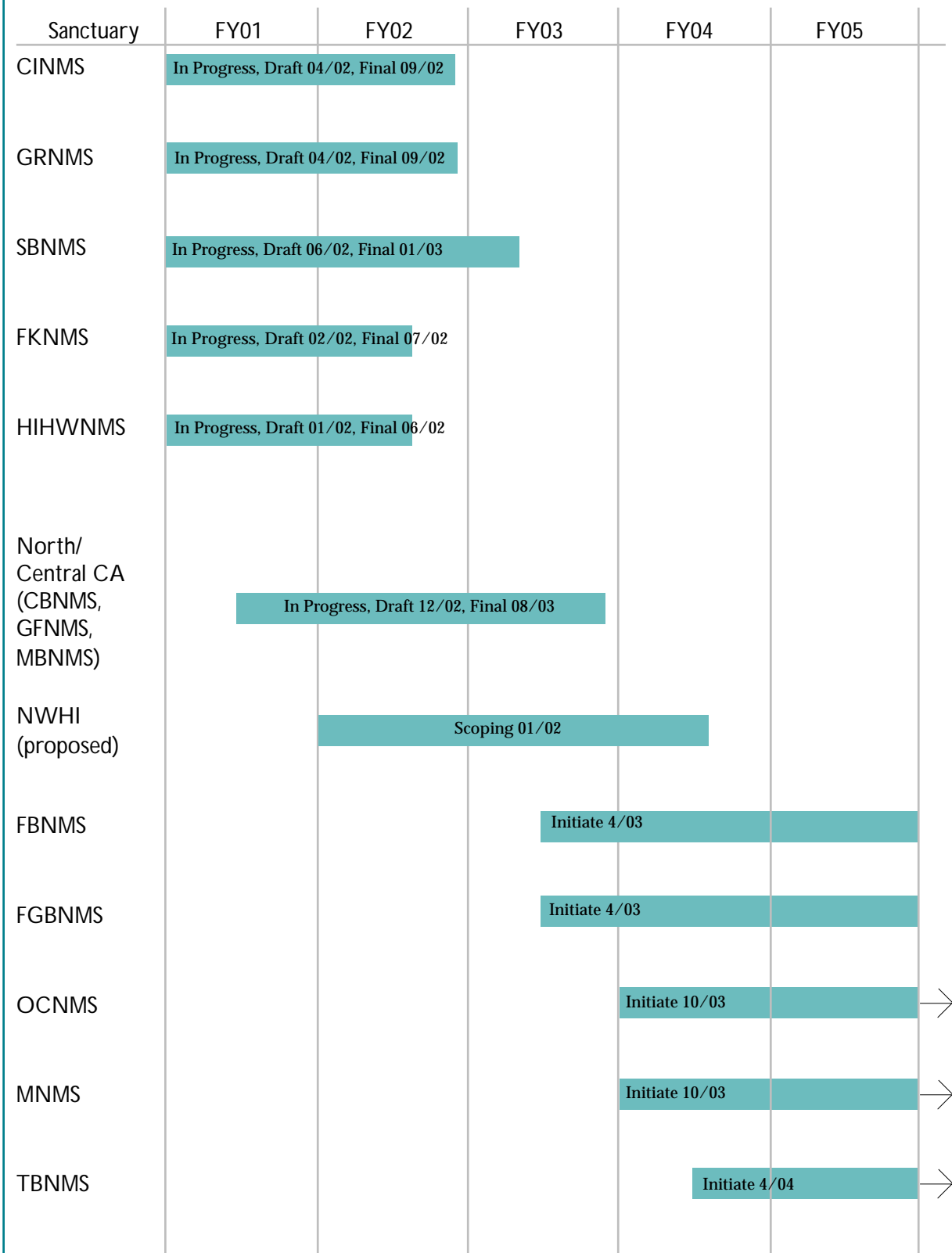
The process presented in Section II of this handbook is intended to provide a general overview of how management plans should be reviewed and revised. This overview is to help sites begin their planning efforts and to inform colleagues and interested members of the public about how the NMSP conducts these reviews. It should be understood that the review process will differ for each site, given the complex array of factors that are involved.

### Proposed Schedule For Review of all Management Plans in the NMSP

The NMSP expects that it will take 10 years (since the start of reviews in 1998) or longer to complete a review of the management plans of all 13 Sanctuaries. Figure 1 illustrates the proposed order of review, but this order may be expected to change as do the needs of the NMSP and individual sites.

## Section I: Introduction

Figure 1: Order of Management Plan Reviews for Sanctuaries.







## II. Process Overview

### Phase I: Initiate Management Plan Review

#### Overview

This first phase of the review process helps the Sanctuary begin preparing for its management plan review through a series of preliminary projects and activities. See Figure 2 for a summary of the entire process.

#### Steps

#### **1. Reexamine existing management plan and structure.**

##### *Description*

This project is a preliminary activity that will help the site prepare for its management plan review by looking at where it has come from and where it is at that time. The review should be conducted by site staff in coordination with headquarters staff. An open line of communication should be established between the site's management plan review team and the project lead at headquarters. This communication will ensure that local as well as national considerations are taken into account during the review process.

Reviewing the existing management plan and structure may be done by:

- Reviewing the management plan's objectives: determine if they are still appropriate.
- Examining major management decisions: look at how effective these were for the resources and the community.
- Inventorying and reviewing existing partnerships: determine if these are still fruitful.
- Examining staff roles: determine if their time is being spent effectively or are they bogged down with commitments that are no longer productive.
- Talking informally to Federal, State, tribal, and local jurisdictional partners and site stakeholders. Inquire about their thoughts, concerns, and interest in participation in the review.

##### *Costs*

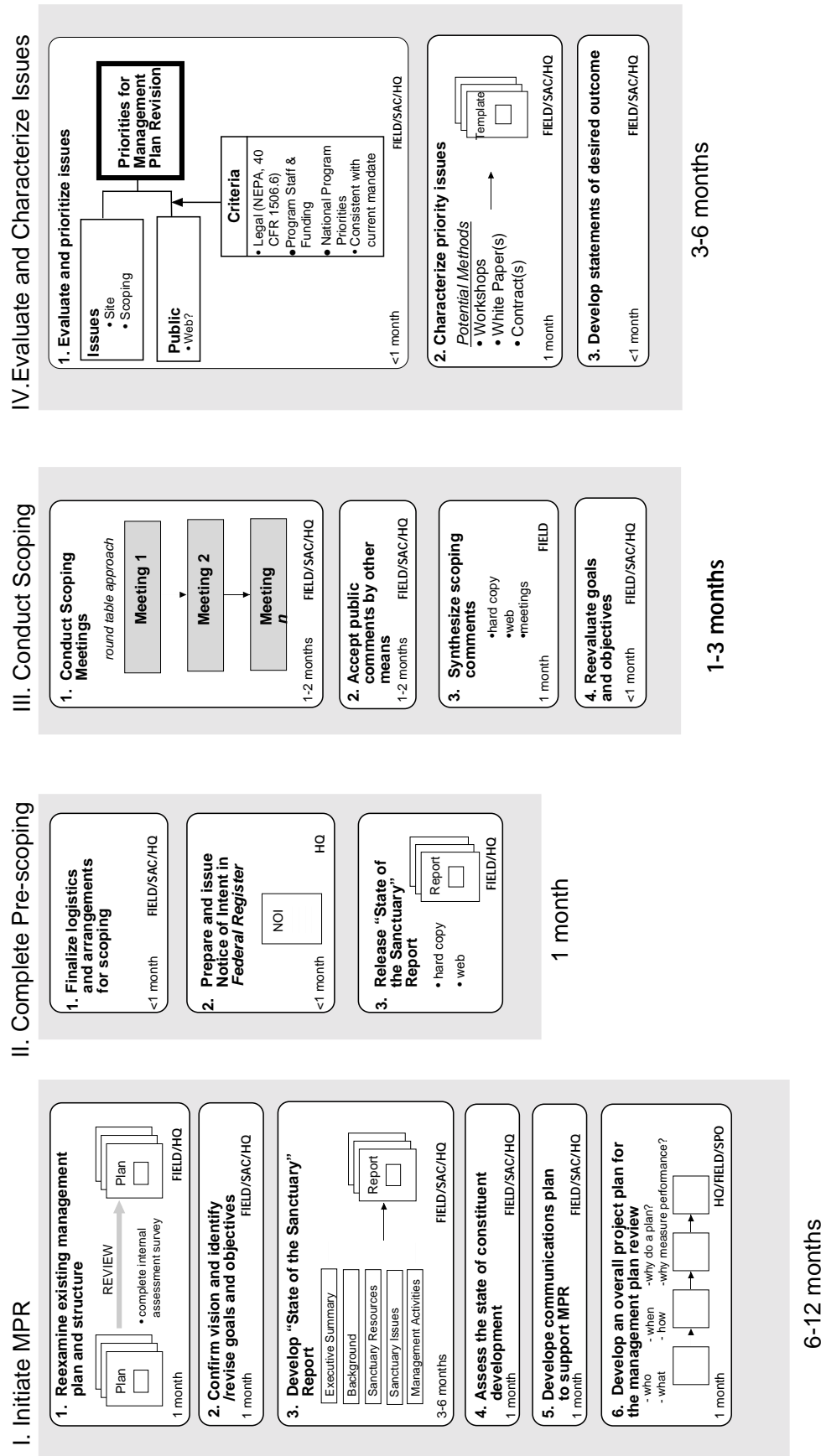
Costs at this time will mainly be for travel and will vary depending upon the location of the site and the number of visits required between the site and headquarters.

##### *Legal Requirements*

Legal requirements to keep in mind during the review include those associated with the National Environmental Policy Act (NEPA) and the Administrative Procedures Act (APA; see Section VII for a discussion of individual acts and executive orders). During this pre-scoping phase, the site will take stock of its present situation. This must include an assessment of the challenges facing the site and consideration of possible responses to those challenges. The site must be cautious, however, and should not make any decisions or proposals at this early stage.



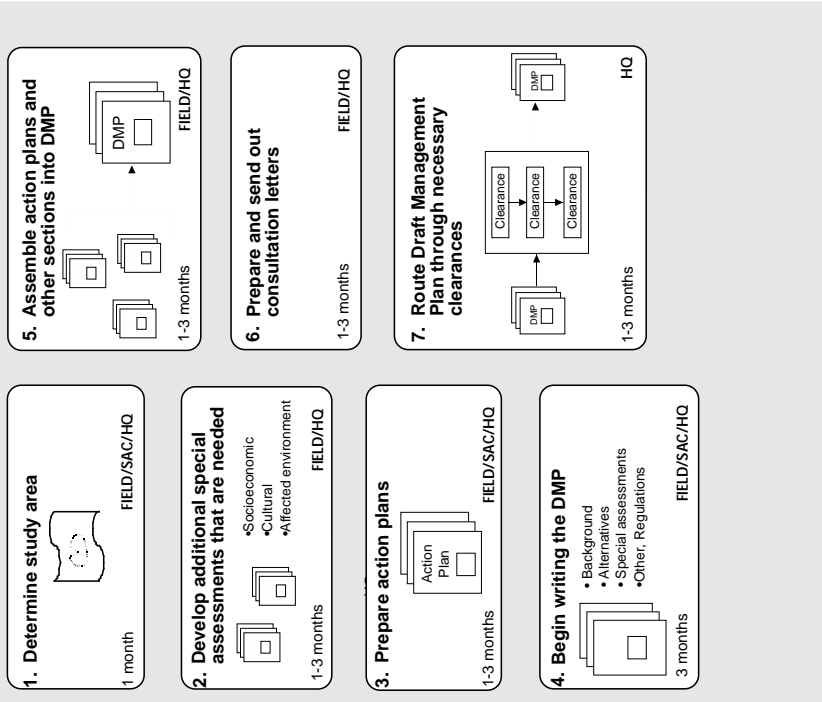
Figure 2: Process Overview.



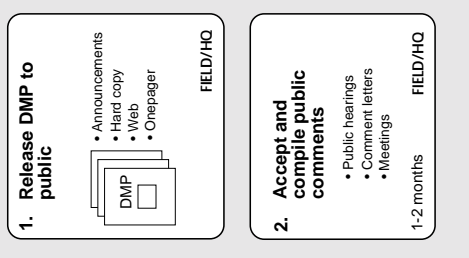
## V. Develop Strategies



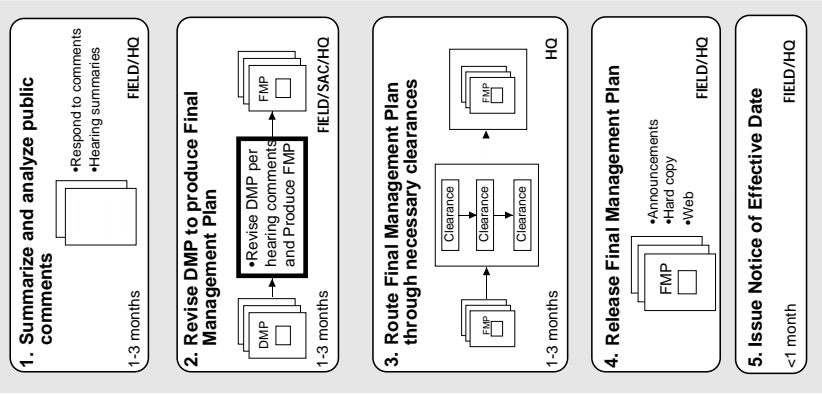
## VI. Prepare Draft Management Plan



## VII. Conduct Review



## VIII. Prepare FMP



## **2. Confirm the Sanctuary's vision statement, and identify/revise Sanctuary's goals and objectives.**

### *Description*

A vision, for the purposes of management plan review, is a long-term projection of the site's overarching intentions; that is, a broad, very general statement answering the question "Why are we here?" Is the site adequately represented by its current vision? Due to the possibility that many biological, administrative, and political changes may have occurred at the site since the management plan was written (and the vision may have been first developed), answering this question will require fairly rigorous internal questioning about the overarching purpose of the site. The vision should be revised to best represent the site's current *and* proposed future direction. This statement provides the framework for the overall development of the management plan, helps in later steps to evaluate and prioritize issues and functional areas, and serves as the foundation for future progress evaluations the Sanctuary will conduct as it moves toward the outcomes it develops for itself in its management plan.

Goals and objectives are defined as, respectively, broad statements characterizing the general management responsibilities of the site, and statements that articulate in fairly general terms possible means by which each goal can be achieved. Due to their broad overarching nature, most of the goals and objectives for the Sanctuaries will be very similar. However, goals and objectives can reflect many different facets of site management and do not necessarily have to focus on the resource protection element of the site's responsibilities. As such, goals and objectives may reflect budgetary and/or operational responsibilities.

Figure 3 displays how this step forms the basis for subsequent issue and strategy development. The double-headed arrows between objectives and issues shows the idea that issues can be driven by objectives and vice-versa (objectives can be driven by issues). The dashed-line box is a reference to the contents that should be included in the details of each strategy.

### *Costs*

Costs should be minimal if this step is conducted internally. If the site wishes to conduct a workshop, costs will increase to possibly include travel, meeting space, and facilitation.

### *Legal Requirements*

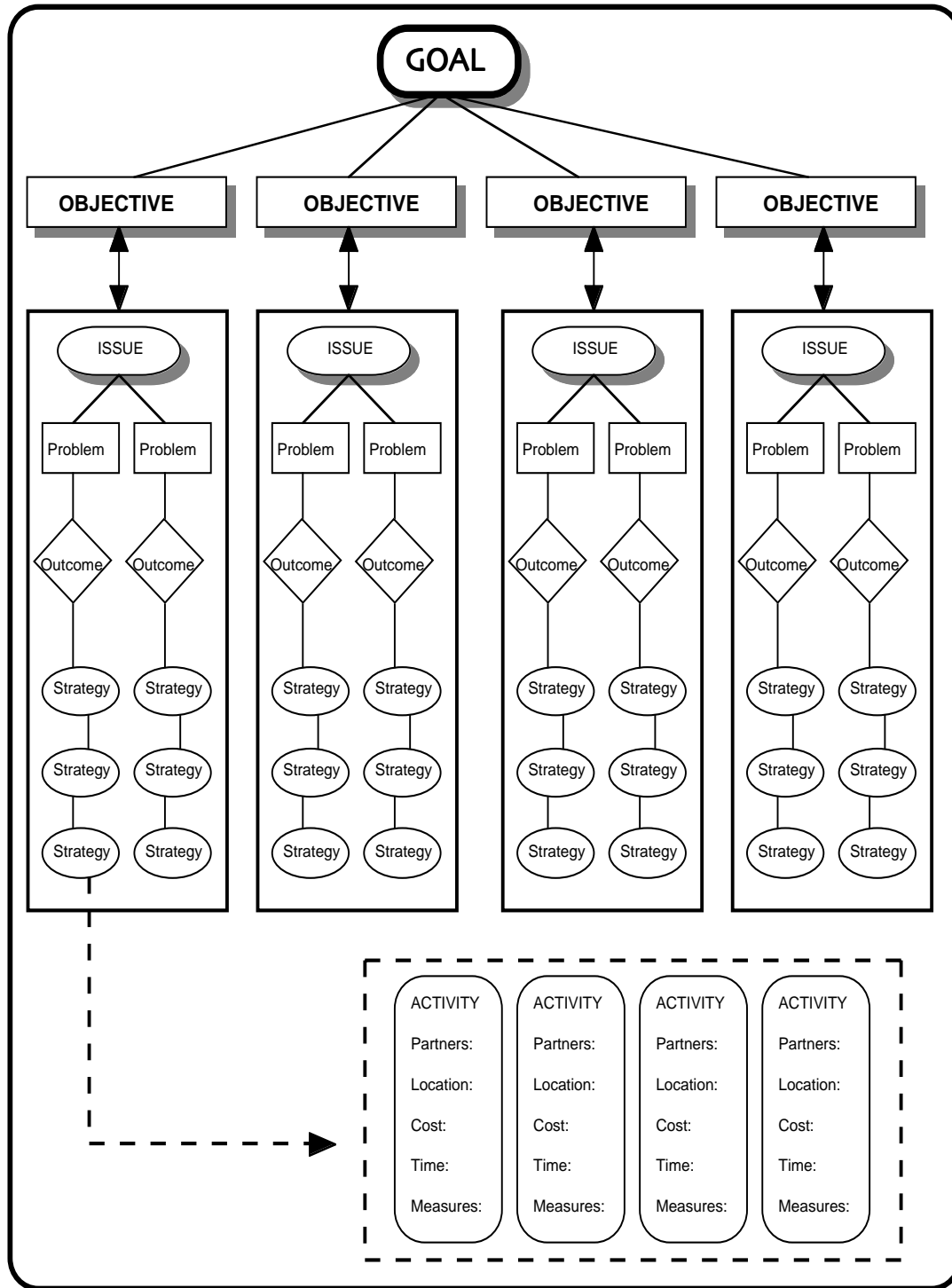
There are no specific legal requirements.

## **3. Develop a "State of the Sanctuary" report.**

### *Description*

There is no legal requirement for a site to prepare a special document for the scoping process. However, some sites have been criticized during the scoping process for not providing enough information to which the public can respond. While the site may want to be careful about not appearing to bias the public, some information (the current status of the resources and the site's accomplishments) could be provided to the public in order to help them prepare for the scoping meetings. One way of doing so would be to prepare a "State of the Sanctuary" report as a concise

Figure 3: Planning Hierarchy.



(25-30 pages) document that summarizes the current condition of the Sanctuary. This report will help prepare the public for the scoping process by giving them a basis for their recommendations and thoughts. The report will also help the site organize itself for the review process to come.

The “State of the Sanctuary” report should be based on existing information and the results of the internal review. Headquarters staff can provide assistance with this effort. Templates exist but the following can be used as guidelines for the report:

- Introduction;
- Brief history of the Sanctuary;
- Regional context with a map;
- Status of natural resources;
- Status of cultural resources;
- Summary of all Sanctuary programs and their effectiveness; and
- Future considerations for the management plan review.

#### *Costs*

Costs of producing the “State of the Sanctuary” report will vary, depending upon whether it is produced internally or by a consultant.

#### *Legal Requirements*

Legal concerns relate to how information is presented in the report; since this is a pre-scoping document, the site should present factual information about the status of the resources and existing programs. Options to address issues may be presented at this time; however, specific language should be included that indicates that these options are only some of those under consideration and that the formal NEPA and APA processes will be completed before any decisions are made.

### **4. Assess the state of constituent development.**

#### *Description*

Management plan reviews will raise the profile of a site and bring new or increased attention. These reviews also include intensive public involvement. Given these factors, it is essential that a site have clear and strong lines of communication with its constituents, including user groups; non-governmental organizations; academia; Federal, State, tribal, and local jurisdictional partners; the media; and contacts in congressional and gubernatorial offices.

The site should decide whether existing communication mechanisms (e.g., SACs) are sufficient for the management plan review. If so, efforts should focus on how to target those mechanisms during the review. If not, the site should dedicate its efforts toward the development of stronger constituent relations through such mechanisms as:

- establishment or reformatting of a SAC;
- targeted individual or small group meetings;
- meetings with elected officials or their staffs;
- establishment of a listserv or electronic mailings;
- development of a mailing list; and/or
- development of a media contact list and regular issuance of press releases.

*Costs*

Costs associated with this project area will be mainly staff time and possible expenses related to equipment and printing as necessary. Consultant services, if needed, will add substantially to costs.

*Legal Requirements*

Legal requirements to keep in mind during this project are associated with the Federal Advisory Committee Act (FACA). Any meetings with groups of people (except meetings with other Federal, tribal, State, and/or local government employees) should not attempt to reach any kind of consensus; doing so implicates FACA and its host of requirements. Meetings with SACs are exempt from FACA but are subject to limitations contained in the NMSA and individual Council charters.

**5. Develop a communications plan to support the management plan review.**

Although a site may have numerous outreach projects in place, a specific plan for communications to support constituent development efforts and public involvement should be developed for the management plan review process. This process should begin by conducting a brief “situation analysis” to determine who the target audiences are, what they already know, what the Sanctuary would like them to know, and the best ways to deliver that message. The communications plan should include a media component and a plan to deal with controversies as they arise.

Section III of this handbook, on communications planning, describes this process in detail and also serves as a template.

*Costs*

Costs associated with this project area will involve staff time and/or consultant services related to developing new outreach products (drafting, editing, graphic layout, and printing), or revamping or reprinting existing products.

*Legal Requirements*

Legal requirements to keep in mind during the review are those associated with NEPA and APA. During this pre-scoping phase, the site is taking stock of its present situation and this must include an assessment of the challenges facing the site and consideration of possible responses to those challenges. However, the site should not make any decisions or proposals at this early stage.

**6. Develop an overall project plan for the management plan review.***Description*

Though this handbook outlines a generalized process for conducting a management plan review, the actual process at each site will be dependent upon a number of factors, including:

- the nature and scope of changes the site staff would like to see;
- how old the current management plan is;
- the level and nature of controversial issues at the site; and
- the resources available to conduct the management plan review.

## Section II: Process Overview

The site should adapt the generalized process detailed in this handbook (summarized in Figure 2), paying particular attention to filling in details related to schedule, budget, and personnel.

The site should complete the review within a reasonable time frame (24 to 48 months) and set due dates for major milestones (e.g., product deadlines, scoping meetings, release of documents). The schedule should make allowances for ongoing major projects at the site (e.g., annual operating plan/budget planning each year, normal research seasons, annual public events such as Coastweeks, etc.) that may impact progress on the management plan review.

A detailed, realistic budget should also be worked up for the review. This budget should detail what costs will be absorbed within the site's existing (base) budget and which costs will require additional resources or funding. The budget should reflect all the costs associated with the review, including:

- personnel costs, including present staff and new hires;
- consultant services as needed, including facilitators, writers, editors, graphic artists, researchers, economists, and technical experts;
- travel, including local and to other sites and headquarters;
- meeting facilities;
- advertisements/notices;
- equipment; and
- printing, mailing, and miscellaneous supplies.

The project planning should also involve an assignment of personnel to various aspects of the management plan review. The site must have one person who is the designated local coordinator for all the activities related to the management plan review. This may be an existing staff person, a temporary Federal employee, or a contractor, although a contractor may be limited in his or her abilities to represent the Federal government at meetings.

The role of the Sanctuary Manager should be spelled out, as well as the roles of existing staff members for specialized tasks during the review process (e.g., press releases may be prepared by the site's outreach or media person). Though the focus of the review and most of the effort associated with it will remain at the local level, how the local effort and team will be integrated with the national team also needs to be discussed.

### *Costs*

The costs of this effort are minimal since all planning can be done "in-house" by existing personnel.

### *Legal Requirements*

Legal requirements associated with this project area are also minimal and focus mainly on preparing to meet legal requirements that will have to be met later in the process, including NEPA, NMSA, and APA. Specifically, project planning should include plans for building an administrative record for all actions associated with the review effort (e.g., memorandums to the file to summarize meetings, syntheses of scoping comments, submitted public comments).

See the end of this section for a checklist of milestones and products.



Phase II: Complete Pre-scoping ActivitiesOverview

This phase of the review process helps the Sanctuary begin preparing for its scoping meetings.

Steps**1. Finalize logistics and arrangements for scoping.***Description*

Site staff should be reviewing the preparations for scoping and ensuring that all necessary ground-work has been laid. Such groundwork should include:

- Are the appropriate locations for the scoping meetings chosen and secured? The locations should be easily accessible to the public with adequate parking and have a lot of space in order to set up round tables. Any security that the site feels is necessary should also be arranged.
- Has local notice been given about the meetings, with accurate times and locations?
- Are the scripts for all presenters and table facilitators prepared? Is all presentation material prepared and ready for use?
- Are all the supplies (including flip charts, markers, sign up sheets, pens, and handouts) in available and accessible?
- Is all audio/visual equipment operational and packed to go (or available on site)?
- Are all the facilitators and presenters trained? Do they know where to go and when to be there? Are there substitute staff on notice in case someone gets sick or cannot otherwise help with the scoping meeting?
- Are there enough support personnel to help set up and clean up the room, take notes, or otherwise interact with the public as necessary?

*Costs*

Costs for this step will include travel costs, room rentals, and staff time.

*Legal Requirements*

Any meeting facilities chosen for scoping meetings must be in compliance with the Americans With Disabilities Act (ADA; see discussion in Section VII).

**2. Prepare and issue Notice of Intent in the *Federal Register*.**

Using the model of a Notice of Intent (contained in Appendix 1(C)), the site should prepare a notice that provides formal notification to the public that the NMSP is undertaking the review of that site's management plan. The notice can be a simple statement to that effect, or can become more elaborate and include such things as the dates and locations of scoping meetings and/or a request for preliminary comments. The draft notice will be routed through a clearance process at headquarters (1-2 weeks) and then will be forwarded to the *Federal Register*, which publishes the notice three working days after it has been received. If the notice also announces scoping meetings, the notice must appear at least 15 days before the first scoping meeting.

*Costs*

Costs for this step are minimal and only involve staff time.

*Legal Requirements*

NEPA requires that the Notice of Intent be published in the *Federal Register* before scoping begins.

**3. Release “State of the Sanctuary” report or other scoping document.**

*Description*

Any document intended to help the public prepare for scoping needs to be released to allow sufficient time for the public to review (minimum of two weeks). The document should be available in a number of ways, including printed hard copies and electronic copies posted to the web.

*Costs*

Printing and distribution costs would be involved.

*Legal Requirements*

There are no legal requirements for a scoping document.

See the end of this section for a checklist of milestones and products.

### Phase III: Conduct Scoping

#### Overview

The next series of steps involve formally working with others outside NOAA to augment the preliminary issues and problems identified by the internal review. There are a number of ways to work with external parties including formal meetings with jurisdictional partners, targeted workshops, and SAC meetings. The results of these meetings should be summarized in reports, notes, and/or minutes that can be used for internal discussion to clarify problems and develop guidance for the remainder of the review process.

#### Steps

##### **1. Conduct scoping meetings.**

###### *Description*

One of the primary means of obtaining public input during the scoping process is by conducting scoping meetings in the communities adjacent to the Sanctuary. These meetings should be held at times (usually evenings) and in locations that will facilitate the most attendance by most interested parties.

There is no standard format for scoping meetings. It is recommended that a brief presentation on the management plan review process be given by the Sanctuary Manager in order to set the context and goals of the meeting. A round-table format, consisting of breaking attendees into individual tables of eight to ten with their own facilitators, has proven very useful. This format allows participation at the individual level that is often not possible in a “traditional” meeting format of individuals speaking before an audience. The facilitator at each table should take notes, but must be careful to document individual comments and not seek a consensus view at the table.

Scoping meetings are held primarily for the general public to provide comments to NOAA and its partners. Scoping meetings are not generally question-and-answer sessions to provide information to the public.

The site should also consider meetings with targeted individuals or groups (e.g., associations representing user groups) to ensure their thoughts are incorporated into the scoping process. Meetings of SACs may also be geared toward obtaining public input during the scoping process, but they should not replace general scoping meetings.

###### *Costs*

Costs for this step will include travel, staff time, meeting facility fees, and charges for meeting notices in local media outlets.

###### *Legal Requirements*

Site staff should continue to be aware of concerns about FACA as discussed earlier.

## **2. Accept public comments by other means.**

### *Description*

Another method to obtain public input for scoping is to provide a public comment period during which members of the public can provide written comments by regular mail, fax, or e-mail. This comment period may be announced in the Notice of Intent, and ideally should both overlap and extend beyond the time during which scoping meetings are being held.

### *Costs*

No additional costs are expected for this step.

### *Legal Requirements*

NEPA requires opportunities for public comment during a scoping process.

## **3. Synthesize scoping comments.**

### *Description*

After all scoping meetings have been held and the deadline for written comments has passed, the site should compile, analyze, and synthesize all of the information that has been received into a concise summary of major findings. This summary can be provided back to the public for their information.

### *Costs*

Costs for this step are minimal and involve staff time.

### *Legal Requirements*

There are no specific legal requirements for how to synthesize scoping comments; however, prior sites have found it useful to organize around general subject areas and/or geographic locations.

## **4. Reevaluate goals and objectives.**

### *Description*

After the site has completed its own internal review and has heard from stakeholders and the public, it should revisit the previously established goals and objectives. The site should then develop general goals that reflect the information gained from the public review.

### *Costs*

Costs for this step are minimal, involving staff and perhaps SAC time.

### *Legal Requirements*

There are no specific legal requirements for this section.

## Phase IV: Evaluate, Prioritize, and Characterize Issues

### Overview

Once the site is certain of the challenges, goals, and objectives that it faces, the next step is to identify and prioritize the issues that the site will be able to address. Section IV, Issues and Decisionmaking, discusses this process in more detail.

### Steps

#### **1. Evaluate and prioritize issues and program areas.**

##### *Description*

In light of the goals developed in the prior phase, the site and SAC should determine what issues and program areas (e.g., research, education) on which the site wishes to focus further attention. Issues are defined as the most pressing obstacles facing the site's capacity to achieve its goals and objectives. Factors may include priorities laid out in other documents such as strategic plans; national policies and projects; and the resources (both staff and budget) available to implement the management plan. In addition the site must distinguish between the issues that they can and should address, and those that are better addressed by other authorities.

##### *Costs*

Costs for this step are minimal and only involve staff time.

##### *Legal Requirements*

There are no specific legal requirements for this step.

#### **2. Characterize priority issues.**

##### *Description*

The issue characterization process allows sites to clearly articulate the various challenges of site management relative to its overarching goals and objectives. While characterizing the issues, staff should also work to develop *problem statements*. Problem statements are one to two-sentence summaries that explicitly state the specific components of the issue. Detailed characterizations of issues and problem statements may be done using the template shown in Appendix 1(B). The template may be filled in by internal staff, by hosting a workshop with invited experts, or by creating a working group of a SAC.

##### *Costs*

Costs for these types of activities will vary considerably and may include local meeting notification, meeting facilities, facilitation services, travel, printing, distribution, and consultant services.

*Legal Requirements*

Legal requirements will also vary. Workshops and working groups in particular should make sure that legal requirements associated with NMSA, NEPA, and FACA are addressed.

**3. Develop statements of desired outcome.**

*Description*

Statements of *desired outcome* come directly out of the issues and problems developed above and should answer the question “What, ultimately, do we want our management actions to accomplish at this site?” Whenever possible, desired outcome statements should be stated in quantifiable (and, therefore, measurable) terms. They should always, however, be realistic and focused on the most pressing issues at the site. Dates, numbers, percentages, and/or fractions are good terms of measurement.

*Costs*

Costs for this step are minimal and may only involve staff time.

*Legal Requirements*

There are no specific legal requirements.

See the end of this section for a checklist of milestones and products.

Phase V: Develop StrategiesOverview

Once those priority issues have been determined and characterized, and outcome statement developed, the site will then focus on determining the best way to resolve issues and reach the desired outcome. Section IV of this handbook, Issues and Decisionmaking, discusses this process in more detail.

**1. Determine draft strategies for each outcome statement.***Description*

Strategies are the specific means by which a statement of desired outcome may be achieved. Strategies should be:

- Impact-oriented: directly related to the site's issues and problems; be sure that *impact-oriented* is not confused with *process-oriented* (actions that may be important but do not directly influence the outcomes or issues)
- Clear and simple: understandable and explicit; strategies should not be obscure or overly complex; and
- Practical: developed within the resource capacities of the site.

Strategies should be developed using the template shown in Appendix 1(B). The template may be filled in by internal staff, hosting a workshop with invited experts, or creating a working group of a SAC.

Section VI of this handbook contains a discussion of all the management tools available to the NMSP and that might be considered as strategies.

*Costs*

Costs for this step will include staff time, travel, meeting facilities, and facilitators, if needed.

*Legal Requirements*

There are no specific legal requirements for this step.

**2. Determine draft activities for each strategy.***Description*

Once each strategy is drafted, site staff will then develop a list of possible activities or steps to be undertaken to complete that strategy. Activities detail the means by which each strategy will be carried out and are the most explicit component of an action plan. Activities should be included on the template shown in Appendix 1(B) for each strategy.

*Costs*

Costs for this step will include staff time, travel, meeting facilities, and facilitators, if so desired.

*Legal Requirements*

There are no specific legal requirements for this step.

**3. Prioritize strategies and activities.**

*Description*

Once all draft strategies and activities have been developed, the site, working in conjunction with the SAC, stakeholders, members of the public, and representatives from headquarters, should prioritize them. This process will help the site to pursue the most relevant and pressing strategies while also promoting those that fit within realistic budgetary parameters and limitations of staff and/or materials. Workshops are a good tool for prioritizing and can be conducted to host a variety of different audiences.

Several criteria may be useful when prioritizing:

- Relevance to the community: which issue/problem ranks as most important to the local community?
- Geographical area: how much of the site is affected by this issue/problem?
- Level of impact: how heavily are species or habitats affected by the issue/problem?
- Urgency: how pressing is it for the site to address this issue/problem?
- Politics: given the current political situation, is it possible to address the issue/problem?
- Socio-economics: given local or regional socioeconomic conditions, how feasible is it to address (or not address) this issue/problem?
- Practicality of implementation: is the strategy practical to implement?

*Costs*

Costs for this step will include staff time, and may also involve travel, meeting facilities, and facilitators, if so desired.

*Legal Requirements*

There are no specific legal requirements for this step.

See the end of this section for a checklist of milestones and products.



## Phase VI: Prepare the Draft Management Plan

### Overview

After the scoping process is completed and issues and strategies have been prioritized and characterized, the site must then decide the extent of changes that are necessary to the management plan. If the proposed revisions do not involve additions or changes to existing regulations, or any changes to the original terms of designation of a site (such as a change to the boundary), then the site may be able to satisfy NEPA requirements by preparing an environmental assessment (EA) rather than an environmental impact statement (EIS). However, if these changes are necessary then the site should be prepared to conduct an EIS as a part of the management plan review. The following steps describe the development of a Draft Management Plan (DMP).

### Steps

#### **1. Determine study area.**

##### *Description*

If the site has not already done so, it must now determine the study area to be considered for the preparation of the DMP (preliminary studies may be undertaken prior to this step to help determine the appropriate study area). The study area should be large enough to adequately address the issues the site has determined are important in the review process. The extent of the study area may add issues that have not been considered and will influence the preparation of impacts of alternatives in the DMP.

##### *Costs*

Costs are determined by how the site wants to decide on a study area. If the boundaries are determined in-house, only staff time will be expended. If the services of a consultant are required, the cost will increase accordingly.

##### *Legal Requirements*

There are no specific legal requirements.

#### **2. Begin any special assessments that are necessary.**

##### *Description*

Reports and requirements stipulated by the acts and regulations discussed in Section VII must be identified and addressed in the management plan. These may include such things as a socioeconomic analysis for any proposed rulemakings, regulatory flexibility analyses for small businesses, and approvals for any public data collection (e.g., surveys or permit applications).

##### *Costs*

Costs will include those for consultants and/or special research that may be necessary for special assessments.

*Legal Requirements*

Discuss requirements under NEPA, Regulatory Flexibility Act, Executive Order 12866 Cost-Benefit Analysis, Executive Order 13132 Federalism, and the Paperwork Reduction Act with GCOS to determine what assessments might be needed.

**3. Prepare action plans.**

*Description*

After the strategy prioritization process has been completed, staff should begin drafting actions plans. These plans are comprised of the strategies and activities developed in Phase V to address specific issues, as well as strategies related to functional areas such as research and education. Action plans lay out a comprehensive “road map” for the site’s proposed management actions. Action plans may be broken down by issue (such as “marine mammal protection” or “water quality improvement”) and/or function (education, research, etc.) and should describe each strategy in detail, including:

- **What, Why, and How:** a brief summary of the strategy (including any relevant background information) and how it contributes to the achievement of the outcome.
- **When:** an estimated timeline will set specific parameters for the strategy's completion and help keep the site focused on deadlines. Strategies should be identified as existing or new; those with known completion dates should be identified by year.
- **Where:** information on where a particular strategy will be carried out; although most strategies will be site-wide, some may be specific to a certain portion of the site or may overlap with other jurisdictional authorities.
- **Who:** identification of partners who will contribute to the implementation or completion of the strategy; may include Federal and/or tribal and /or State agencies, local scientific organizations, educational institutions, and/or NGOs.
- **How Much:** estimated cost of the activity; identifies sources of funding and estimates its annual cost over the life of the strategy.
- **Performance Measures:** a characteristic or attribute of a strategy or activity that measures its performance relative to the achievement of a desired outcome. Measures should always be 1) directly relevant to the outcome; 2) reliable; 3) scientifically defensible; and 4) simple to measure and interpret. See also Section V of this handbook for a more detailed discussion of management effectiveness assessment.

Once it has been determined what action plans will be prepared, each one should be assigned to the person most suited to prepare that action plan, whether it is someone on staff or a contractor/consultant retained for that purpose. Sufficient time should be allowed to prepare and conduct internal review(s) of each action plan until the participants are comfortable with the “final” draft action plan.

*Costs*

Costs may include those for both internal and external drafting and formatting action plans.

*Legal Requirements*

The site should communicate regularly with GCOS and discuss action plans as they are drafted.

**4. Begin writing the management plan.***Description*

The supporting (i.e., non-action plan) parts of the management plan should be started, including updating the resource assessment, the site's history, and an overview of the review process. See Appendix 1(A) for a management plan outline and format.

At this point, the site should also begin planning for the layout of the entire management plan. To help achieve a consistent look across the system, this handbook, as well as more recent management plans, have been developed using a layout template. Appendix 1(A) contains a copy of the template, including a cover design, interior page layout, and mock-up of a management plan.

*Costs*

Costs may include those for both internal and external drafting and formatting of supporting sections of the management plan.

*Legal Requirements*

The site should communicate regularly with GCOS and discuss action plans as they are drafted.

**5. Assemble action plans and other sections into a DMP.***Description*

All of the action plans and other drafted parts should be assembled into a cohesive whole to form the DMP. This will most likely involve a series of revising and editing (both for grammar and content) steps to produce a document that is uniform in format and style, and consistent in information. There will be some preliminary reviews being conducted as well, such as with GCOS and higher levels of NOAA (doing so will help facilitate the clearance process later). All special assessments identified in earlier steps must be included in the DMP before it is sent out for clearance. At this point, the draft rule should also be prepared for publication in the *Federal Register* as an Advance Notice of Proposed Rulemaking or Proposed Rule; see Appendix 1(C) for models.

*Costs*

Costs will include staff time and document duplication, and may include those for any special services that might need to be provided by external experts, including writing, editing, and document layout.

*Legal Requirements*

The site should continue to consult with GCOS throughout this step.

**6. Prepare and send out consultation letters.**

*Description*

The site will need to consult with a number of parties as it continues the management plan review process, including other Federal agencies, tribal agencies, State agencies, the Governor of the involved State (particularly if State waters are involved), and Congressional members. Several of these consultations are specific:

- Section 7 Endangered Species Act consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service;
- Resource assessment consultation with the Department of the Interior;
- Essential Fish Habitat with the National Marine Fisheries Service;
- Federal consistency consultation with the State's coastal zone management agency (again, if State waters are involved or if an activity outside State waters may have an effect on resources within State waters); and
- National Historic Preservation Act §106.

The site should also consult in general with the Department of Defense, Department of Energy, Department of Transportation, and the Environmental Protection Agency, as well as with any State agencies that might have jurisdiction or an interest in the management plan review. The Governor and Congressional members (majority and minority leaders in both houses, and heads of both House and Senate committees) should also be notified. Consultation letters should provide a brief background on the issue, ask for specific comments, and provide a deadline for those comments. Models for all types of consultation letters are provided in Appendix 1(E).

*Costs*

Costs are minimal, consisting of in-house labor.

*Legal Requirements*

Consultation is required by NEPA, NMSA, Coastal Zone Management Act (CZMA), Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), and the National Historic Preservation Act (NHPA).

**7. Route DMP through necessary clearances.**

*Description*

Once the DMP is ready, all the necessary cover memoranda and other documentation is prepared and packaged. Briefings for key personnel might be necessary, depending upon the complexity and controversy of the DMP. Depending upon the extent and nature of the revisions (e.g., whether a NEPA document and/or new or revised regulations are included), different clearance and approval requirements are triggered. These requirements will be determined on a case-by-case basis and will be unique for each site. Models for transmittal memos are provided in Appendix 1(F).

*Costs*

Costs will be minimal and involve mainly staff time.

*Legal Requirements*

GCOS will continue to review and provide advice on the DMP and its clearance memoranda.

See the end of this section for a checklist of milestones and products.

Phase VII: Conduct Public Review of the Draft Management Plan

Overview

Once the DMP and accompanying DEIS have been cleared, the document is released to the public for their review.

Steps

**1. Release DMP to the public.**

*Description*

After the DMP has met all of the necessary procedural requirements, it is released to the public for review and comment. The site should consider various means of making the DMP/DEIS available to the public, including hard copies and CD's by request, depositing hard copies in local libraries, posting an electronic copy to a web site, and having shortened, "newspaper" versions available.

*Costs*

Costs will include staff time, duplication of the document, and other costs related to providing the document to the public.

*Legal Requirements*

APA, NEPA, and NOAA guidance have specific requirements related to public review; consult with GCOS for specific guidance.

**2. Accept and compile public comments.**

*Description*

The public comment period should be sufficiently long to allow the public an adequate opportunity to comment. NOAA guidance (NOAA Administrative Order 216-6) recommends a minimum of 30 days, but longer periods should be considered. Different means of commenting should also be provided, which may include additional public hearings and provisions for mailing, faxing, and e-mailing comments. Comments should be date stamped upon receipt, as these are part of the official administrative record.

*Costs*

Costs will mainly involve staff time.

*Legal Requirements*

APA, NEPA, and NOAA guidance have specific requirements related to public comments; consult with GCOS for specific guidance.

See the end of this section for a checklist of milestones and products.

Phase VIII: Prepare Final Management PlanOverview

Once the public has had the opportunity to provide input on the draft, the site will need to begin efforts to finalize their management plan.

Steps**1. Summarize and analyze public comment.***Description*

At the close of the public comment period, there will be a number of individual comments and transcripts of any public hearings that were held. All of the comments will have to be analyzed and considered in the preparation of the final management plan (FMP), FEIS, and regulations, as appropriate.

Significant/substantive comments must receive a response in the final document, either generically or individually. If there are many comment letters (i.e., over 100), a summary of comments and responses can be prepared. If there are not as many comments, each substantive/significant comment raised should have a response.

*Costs*

Costs will mainly involve staff time (and will be dependent upon the volume of comments received).

*Legal Requirements*

APA, NEPA, and NOAA guidance have specific requirements related to public comments; consult with GCOS for specific guidance.

**2. Revise the DMP to produce FMP.***Description*

Once the comments have been summarized and considered, changes may need to be made to the draft document to produce the FMP, FEIS, and regulations, as appropriate. At this point, the final regulations should also be prepared for publication in the *Federal Register* as a Final Rule; see Appendix 1(C) for models.

*Costs*

Costs will include staff time, and may include those for any special services that might need to be provided by external experts, including writing, editing, and document layout.

*Legal Requirements*

The site should continue to provide GCOS with advance copies of documents for review as changes are made.

### 3. Route FMP through necessary clearances.

#### *Description*

As with the DMP all necessary cover memoranda and other documentation are prepared and packaged. The FMP then begins the formal NOAA clearance process. Again, briefings for key personnel might be necessary, depending upon the complexity and controversy of the final management plan and how much it differs from the draft management plan.

#### *Costs*

Costs will mainly involve staff time.

#### *Legal Requirements*

GCOS will continue to review and provide advice on the FMP and its clearance memoranda.

### 4. Release Final Management Plan.

#### *Description*

The review and clearance requirements for the FMP will mirror that for the DMP. After the FMP has met all of the necessary procedural requirements, it is copied and released to the public. The final rule is also published in the *Federal Register*. A 30-day “cooling off” period follows the publication of the rule in the *Federal Register*, if the FMP involves a change to the term of designation.

At the same time the final rule is submitted to the *Federal Register*, it should also be submitted to General Accounting Office (GAO), the Speaker of the House, and the President of the Senate (see Appendix 1G for the appropriate form).

After the 30-day cooling off period, if the revised management plan includes a change to the terms of designation, it is submitted to Congress (and to the Governor, if State waters are involved) for a review period of 45 days of continuous session of Congress (which in reality is usually several months). Congress has the opportunity to make changes to the FMP. The Governor has the right to veto any part of the FMP insofar as it affects State waters.

#### *Costs*

Costs will include staff time, duplication of the document, and other costs related to providing the document to the public.

#### *Legal Requirements*

NEPA and NMSA has specific requirements related to review of the FEIS/FMP, including the “cooling off” period; consult with GCOS for specific guidance. The Congressional Review Act requires that all final rules be submitted to the GAO, the Speaker of the House, and the President of the Senate, using the form contained in Appendix 1(G).



## 5. Issue Notice of Effective Date.

### *Description*

After the appropriate review periods (30-day cooling off period and 45-day Congressional review period for an FMP and final that changes a term of designation or a 30-day delay for any other FMP and final rule), and any changes that need to be made have been completed, the site issues a Notice of Effective Date in the *Federal Register* to inform the public as to when the FMP and any accompanying regulations come into force. See Appendix 1(C) for a model.

### *Costs*

Costs will involve staff time.

### *Legal Requirements*

NEPA and NMSA may have some requirements; consult with GCOS for specific guidance.

See the end of this section for a checklist of milestones and products.

Complete Checklist for Review Process

Initiate Management Plan Review Checklist

**Milestones Reached**

- ☐ Internal assessment of current management plan finished.
- ☐ Vision statement confirmed.
- ☐ State of the Sanctuary Report started.
- ☐ Communications Plan prepared.
- ☐ Project plan prepared.

**Products Developed**

- ☐ Sanctuary Advisory Council Charter (as necessary, new or revised)
- ☐ Communication Plan
- ☐ Project plan

Complete Prescoping Activities Checklist

**Milestones Reached**

- ☐ Notice of Intent issued in the *Federal Register*.
- ☐ State of the Sanctuary Report released.

**Products Developed**

- ☐ Notice of Intent
- ☐ State of the Sanctuary Report.

Conduct Scoping Checklist

**Milestones Reached**

- ☐ Scoping meetings conducted.
- ☐ Public comment received.
- ☐ Comments summarized and synthesized.

**Products Developed**

- ☐ Scoping comment synthesis

Evaluate, Prioritize, and Characterize Issues Checklist

**Milestones Reached**

- ☐ Issues prioritized
- ☐ Issues characterized

**Products Developed**

- ☐ White paper(s)
- ☐ Workshop reports



Develop Strategies Checklist**Milestones Reached**

- ☐ Strategies developed and characterized

**Products Developed**

- ☐ White paper(s)
- ☐ Workshop reports

Prepare the Draft Management Plan Checklist**Milestones Reached**

- ☐ Consultation letters sent out.
- ☐ Study area determined.
- ☐ Action plans drafted.
- ☐ Supporting material drafted.
- ☐ Special assessments completed.
- ☐ DMP/DEIS compiled.
- ☐ DMP/DEIS routed and cleared.

**Products Developed**

- ☐ DMP/DEIS
- ☐ Proposed Rule
- ☐ Consultation Letters
  - ☐ NMFS, ESA Section 7 Consultation
  - ☐ NMFS, EFH Consultation
  - ☐ USFWS, ESA Section 7 Consultation
  - ☐ NHPA §106 Consultation
  - ☐ DOI, Resource Assessment Consultation
  - ☐ EPA, General Consultation
  - ☐ DOD, General Consultation
  - ☐ DOE, General Consultation
  - ☐ DOT, General Consultation
  - ☐ Congressional Members (of affected area)
  - ☐ State CZM Agency, Federal Consistency
  - ☐ State Agencies, General Consultation
  - ☐ Tribal Agencies, General Consultation
  - ☐ Governor
- ☐ Clearance Memoranda
  - ☐ Office Director to Assistant Administrator
  - ☐ Assistant Administrator to Assistant Secretary, NOAA
  - ☐ Assistant Administrator to Assistant General Counsel for Legislation and Regulation, DOC
  - ☐ Assistant General Counsel to Chief Counsel for Advocacy, Small Business Administration

Conduct Public Review of the Draft Management Plan Checklist**Milestones Reached**

- ☐ Proposed Rule with notice of release of DMP/ DEIS, comment period, and public hearing dates printed in *Federal Register*.

## Section II: Process Overview

- ☐ Public hearings held.
- ☐ Comment period closed.

### Products Developed

- ☐ Comment synthesis

Prepare Final Management Plan Checklist

### Milestones Reached

- ☐ Public comment analyzed.
- ☐ DMP/DEIS revised to FMP/FEIS.
- ☐ Final Rule printed in *Federal Register*.
- ☐ 45-day review period completed if necessary.
- ☐ Notice of Effective Date issued in *Federal Register*.
- ☐ Reporting to Congress complete.

### Products Developed

- ☐ FMP/FEIS
- ☐ Final Rule
- ☐ Clearance Memoranda
  - ☐ Office Director to AA
  - ☐ AA to Assistant Secretary, NOAA
  - ☐ AA to Assistant General Counsel for Legislation and Regulation, DOC
  - ☐ Assistant General Counsel to Chief Counsel for Advocacy, Small Business Administration
- ☐ Transmittal Memoranda
  - ☐ Governor (45-day review)
  - ☐ Congressionals (45 day review)
  - ☐ GAO (review)





### III. Communications Planning

#### Introduction

Communication is an essential element of the management plan review process, both to inform the public and constituents and to receive valuable input. Communication ranges from personal interaction of management and staff to prepared documents, maintenance of web sites, and facilitation of messages through the media.

A strategic communications plan is essential to the management plan review process, aiding in clarity of message, inclusion of the public and constituent communities, and a more harmonious process. The plan should be developed with two basic considerations: (1) to maximize public outreach and participation, and (2) to be flexible so that each site can implement all or portions of the plan according to local needs. This latter consideration has caused the plan to be constructed in such a way that it allows each site to clearly think about:

- specific groups and individuals that need to be involved in the review process (key constituent outreach component);
- members of the public who need to be kept aware of this review process (community awareness component);
- specific media that should be contacted and informed in advance (media outreach component); and
- possible training needs for staff involved in this process.

Following the specific outreach plans, key messages, talking points, and outreach materials are provided to help ensure all staff involved in the management plan review have the necessary information to convey a consistent and unified NOAA message. This is not a static communication plan and portions of it can be easily modified as issues and needs arise.

#### Situation Analysis

In order to help prepare for developing the details of the communication plan, the site should consider the public's perception of the NMSP and the management plan review process. Such an analysis might reveal such issues as:

- The identity, role, and benefits of the Sanctuary are not clearly understood by the general public or the media.
  - The general public is unaware or confused about what exactly is a "Sanctuary."
  - The media may often confuse issues and agencies in articles about a Sanctuary.
  - Some in the conservation community have criticized the use of the word "Sanctuary."
  - Many achievements and benefits of the NMSP have gone unpublicized.
- Management plan review is not an easily understood process, and may be confused with other agency processes, such as development of marine reserves or other fishery management plans.
  - The management plan review process is lengthy and layered, and extends over a long period of time.
  - Public involvement centers around potentially controversial issues, and review is often interpreted as the government seeking more control and/or area of control.

- Media is often the sole source of information for much of the public. Media might not get facts correct or relay a balanced viewpoint regarding actions by a Sanctuary.
  - The media may confuse issues and agencies in articles referencing a Sanctuary.
  - The media may be more likely to cover stories with controversy than positive stories.
  - Media coverage may be generated by interest groups who disagree with or oppose the actions of management plan review process.
- The management plan review process will involve participation by stakeholders who are deeply vested in the marine environment. Any proposed or discussed changes in boundaries and/or regulations may evoke highly charged responses and potential negative publicity.
  - It is difficult to arrive at decisions that will satisfy both sides of a polar issue; therefore, almost any issue will attract criticism of the process and the Sanctuary.
  - Stakeholders have a strong presence and strong positions that often oppose one another.
  - Stakeholders may feel that the Sanctuary will not listen to them or take their input into consideration.

### Communication Plan Components

To address the current understanding of the public's perception of the NMSP and the management plan review process, four main strategies should be developed: key constituent outreach, community awareness, media outreach, and internal training.

#### Key Constituent Outreach Component

Key constituents are defined as those key groups or individuals that must be involved with the management plan review process. In general, these are those people that a site needs to develop a close working relationship with and fully understand their issues.

**Goal:** Inform and involve as many constituents as possible, representing a diverse range of user and interest groups, in the management plan review.

#### **Objectives:**

- 1) To inform key constituents about how they and their constituencies can actively participate in management plan review.
- 2) To cultivate personal relationships with key constituents and create a flow of accurate information back and forth throughout the process.
- 3) To garner broad public involvement and support for the final management plan and implementation.
- 4) To raise awareness about the NMSP, individual Sanctuaries, and important issues affecting their current and future management.

**Target:** Targeted constituent groups include Sanctuary users, conservation and interest groups, elected officials, and government agencies located in the Sanctuary region. Some key constituents may be located in Washington, DC.

Constituent contacts will be divided into nine main groups:

- 1) Recreation Groups:** There are a diverse number of groups that are regular Sanctuary users, which may include recreational fishing, sailing, kayaking, windsurfing, diving, surfing, and wildlife watching (e.g., birders, whale watchers, marine mammal viewers, and tidepoolers). These users are

most often passionate about continuing their use and maintaining high quality resources. Efforts should be made not only to develop relationships with key individuals but also to encourage them to get their constituencies involved in the process. There may be local, regional, and national representatives.

**2) Conservation Groups:** Local, regional, and national conservation groups will be involved in the management plan review advocating for more protective Sanctuaries. Many of these groups have staff that work full time on marine conservation issues. It is critical to maintain regular communication with these key groups throughout the process.

**3) Commercial Fishing:** Commercial fishermen present a diverse group of users across numerous types of gear and fisheries. As a group they tend to be politically active and are effective in vocalizing their concerns. Commercial fishermen fully depend on marine resources to sustain their livelihood, and may fish all or part time in Sanctuary waters. Staff should make efforts to learn about commercial fishing operations in their site and regularly meet with key fishing leaders in each community.

**4) Business/Industry:** There are many marine-related businesses that may rely upon the Sanctuary for all or a portion of their existence. They are very interested in any changes that could limit their ability to operate. These may include: charter boats (fishing), aquaculture/kelp harvesting, ports and harbors, marine transportation, agriculture, oil and gas, communication (cables), and tourism. Staff should make efforts to provide these groups with regular updates and encourage them to get involved.

**5) Research/Academia:** A great deal of scientific research occurs within Sanctuaries that can be used to better characterize the conditions of marine resources. Staff should maintain cooperative relationships with these individuals and institutions to encourage them to get involved in the management plan review process.

**6) Education/Outreach:** A number of organizations and institutions conduct marine education and outreach programs throughout the country. These include universities, school teachers, government agencies, aquariums, conservation groups, and even marine volunteers. These groups often have effective networks for reaching the public and getting them involved in the process.

**7) Elected Officials:** Key elected officials at the local, tribal, State, and Federal government level. These are important, politically connected community leaders who often react to controversial issues in their communities. It is important to meet with these officials and clearly outline the review process and what to expect from the public.

**8) Government Agencies:** The Sanctuary may overlap jurisdiction and share management responsibilities with many other local, regional, tribal, State, and Federal agencies. Efforts will be made to coordinate, consult and involve these agencies when appropriate.

**9) NOAA/DOC:** Ultimately any changes to the management plans must go through the NOAA and DOC chain of command for approval. It is imperative that key NOAA and DOC officials are regularly briefed throughout the process. This will involve key personnel at the headquarters and regional level.

**Tools:** The Outreach Tools Matrix summarizes the tools to be used in communication with the constituents (see Table 1).

**Process:** The Process Matrix summarizes the key steps in implementing this plan (see Table 2).

**Draft Timeline:** The Timeline Matrix shows how a timeline might be developed, relative to scoping (see Table 3).

### Community Awareness Component

Community awareness refers to those members of the public that should be kept informed of the review process and encouraged to participate. This plan focuses on broadening the circle of relationships from key constituents to other interested members of the public.

**Goal:** Educate and inform community groups and the general public about marine conservation issues, the presence and mission of the Sanctuary, and promote community involvement in the joint management plan review process.

#### **Objectives:**

- 1) To build public awareness and promote discussion about current ocean and coastal conservation issues.
- 2) To raise awareness about the NMSP, individual Sanctuaries, and important issues affecting their current and future management.
- 3) To inform community groups about how they can actively participate in the management plan review.
- 4) To garner broad public involvement and support for the FMP and implementation.

**Target:** Targeted audiences include community-service groups, chambers of commerce, school groups, park auxiliary/volunteer groups, fairs and community events, and open house/general public presentations throughout the Sanctuary area, with specific emphasis on coastal communities. Key area newspapers and publications should be identified for feature stories to increase general awareness of the Sanctuary.

Community audiences will be divided into nine main groups:

**1) Chambers of Commerce:** In each coastal community, a diverse number of businesses may participate in the Chamber of Commerce, including tourist-serving, user-serving, and general businesses. Efforts should be made to educate these groups on the benefits of the Sanctuary and to encourage their participation and support in the management plan review process.

**2) Community Service Groups:** Groups such as the Rotary, Kiwanis, Lions, and others bring together a wide range of people within a community who have a service ethic and interest in improving their community. These audiences should be targeted for general presentations about the Sanctuary and the management plan review process.

**3) Friends Groups and Foundations:** Key groups that are associated with the Sanctuary will have staff, volunteers, and general members who have an interest in how the Sanctuary is managed. These audiences should be targeted for general presentations about the Sanctuary and the management plan review process.

**4) Park Auxiliary/Volunteer Groups:** There may be many State and local parks along the coastal area that have volunteer docents and aides. These people are usually very supportive of efforts to protect wildlife and the environment. Staff should make every effort to identify these groups for general presentations about the Sanctuary and provide them with information and



regular updates on the management plan review process to encourage them to get involved.

**5) School Groups:** Many schools incorporate marine education programs in their curriculum. Additionally, parent/booster groups are often associated with schools. Both types of audiences should be assessed for possible general outreach about the Sanctuary and the overall management plan review process.

**6) Community Fairs, etc:** Throughout the year, there are community fairs and other events where it is appropriate for Sanctuary participation, either with an educational booth or as a speaker/presenter. Staff should seek out these opportunities to disseminate information about the Sanctuary and the management plan review process.

**7) Sanctuary Sponsored Open Houses/Events:** Also during the year, each Sanctuary may sponsor a number of events and lectures where information is provided about the Sanctuary and the management plan review process.

**8) Multicultural:** Some community residents may not speak English or use English as their second language. Efforts should be made to inform and involve these residents.

**9) Newspaper Feature Writers:** In conjunction with the media plan, staff should identify possible subjects and markets for feature stories about the NMSP to enhance overall community awareness.

**Tools:** The Outreach Tools Matrix summarizes the tools to be used in communication with the constituents (see Table 1).

**Process:** The Process Matrix summarizes the key steps in implementing this plan (see Table 2).

**Draft Timeline:** The Timeline Matrix shows how a timeline might be developed, relative to scoping (see Table 3).

#### Media Outreach Component

**Goal:** Throughout management plan review, print and electronic media covering the Sanctuary will communicate correctly and clearly the messages of the management plan review, helping to inform the public and constituent groups.

#### **Objectives:**

- 1) To educate the most influential key media representatives and provide a comprehensive base of knowledge that leads to informed reporting of management plan review activities.
- 2) To cultivate personal relationships with key media and create a flow of accurate information throughout management plan review.
- 3) To create and implement an efficient method of generating and submitting announcements of meetings and public events to print and electronic media outlets.
- 4) To achieve maximum exposure in the media to increase public awareness of management plan review.

**Target:** Targeted media include print and electronic writers and editors covering environment/Sanctuaries throughout the Sanctuary area.

Media contacts will be divided into three main groups:

- 1) The top 10-15 writers and editors who will be covering the process for influential print publications and who will benefit from personal, one-on-one briefings and updates. These will be mostly print media contacts who will meet with the Sanctuary Manager and management plan review coordinator prior to the scoping meetings and receive personal updates throughout the process.
- 2) Key print and magazine environmental and marine reporters within the identified geographic areas, news, and feature editors and/or reporters at television and radio stations. This is a comprehensive list for press releases generated about the management plan review events and developments. (e.g., announcement of the release of reports and planned scoping meetings.)
- 3) Calendar and city editors at newspapers and assignment editors at television and radio stations. This list will receive notices of public hearings and SAC meetings that deal with management plan review. The intent will be to have the meetings publicized in advance.

**Tools:** The Outreach Tools Matrix summarizes the tools to be used in communication with the constituents (see Table 1).

**Process:** The Process Matrix summarizes the key steps in implementing this plan (see Table 2),

**Draft Timeline:** The Timeline Matrix shows how a timeline might be developed, relative to scoping (see Table 3),

#### Staff Training Component

**Goal:** Prepare on-site staff (and others helping with the review) to work as a unified team and to effectively manage and respond to the public and media throughout the management plan review.

#### **Objectives:**

- 1) Increase staff awareness and understanding of the management plan review process so they can be informed and effective facilitators during public meetings and when responding to public inquiries.
- 2) Ensure that individual Sanctuary staff fully understand their role in the management plan review.
- 3) Establish a consistent voice among Sanctuary staff when responding to the public about the management plan review and other controversial issues.
- 4) Expand upon internal communication and team building skills so that individual site staff are working more effectively with each other, and with national office staff.
- 5) Build upon external staff communication skills in order to more effectively communicate with the public.

**Target:** The target audience is staff from the Sanctuary and headquarters working on the management plan review. Each site may want to consider opening up or offering specific training to other individuals or groups that will be extensively involved in the review process, such as Sanctuary Advisory Councils.

**Training:** The following list suggests various types of training that individual Sanctuaries may want to consider offering all or some of their staff. These are not mandatory, but are considered important skills to have in this process.

**1) Meeting Management:** The management plan review process will involve many public meetings. There are specific programs designed to help meeting facilitators plan and manage meetings to achieve a specific desired outcome. Suggested training may include: conducting effective meetings, meeting management, meeting facilitation, and recording meetings. An all-hands meeting should be held prior to the scoping meetings to ensure all staff understand how the scoping meetings will work and their respective roles.

**2) Conflict Resolution:** Management plan review will involve meetings and forums that bring variety of stakeholders together from all types of backgrounds and viewpoints. It is unreasonable to expect them to always fully agree with each other or with NOAA's position. During heated discussions it is important that staff have the skills to diffuse the situation and move the discussion forward. Suggested training may include: conflict resolution, effective facilitation, community-based consensus building, multi-stakeholder processes, decisionmaking, or problem solving.

**3) Team Building:** Staff must be able to work effectively with each other and with staff at headquarters to make this review process effective. Communication, trust, and respect go a long way toward making working relationships more productive and enjoyable. This is also true between Sanctuary staff and Sanctuary Advisory Councils or other working groups. Suggested training include: teamwork building, team effectiveness, effective communication, interpersonal skills, and leadership.

**4) Reaching Audiences:** Management plan review is all about reaching out to communities and constituents. Sanctuary staff may be familiar with some groups and individuals and not with others. There are many types of training that can build skills and tools for targeting and reaching various audiences. Suggested training includes: constituent building, reaching new audiences, developing and working with friends groups, targeting audiences, and reaching multilingual audiences.

**5) Presentations:** Many meetings will be scheduled to inform the public about the Sanctuary and the review process. This will involve Sanctuary staff presenting information to various groups. Suggested training may include: conducting effective presentations, public speaking, and public outreach.

**6) Media Training:** The NMSP has experts under contract who can provide media training tailored to the site's needs. Examples of those relevant to the management plan review include: establishing media relations, defining key press contacts, working proactively with the media to get the messages across; developing message and talking points, responding to media inquiries; developing communication plans, what to expect from the press during the management plan review process, and on-camera practice.

**7) Internal Issue/Program Awareness:** Throughout the management plan review, staff may be asked detailed questions by the public about issues affecting the Sanctuary or specific Sanctuary programs. As is often the case, staff work on specific projects or in a particular specialty and may not be aware or understand issues or activities happening in different programmatic areas of the Sanctuary. Each site should make time, perhaps at staff meetings, to make sure all staff are aware of significant issues and programmatic priorities.

**Tools:** The Outreach Tools Matrix summarizes the tools to be used in implementing the overall strategic communications plan (see Table 1).

**Process:**

**1) Communication plan training:** All site staff should participate in an all-hands meeting to go over the various aspects of the communication plan, particularly the messages and talking points.

**2) Media/constituent outreach training:** Selected site staff should go through media/constituent outreach training in preparation for the management plan review process. This will also include training on facilitation and recording for the scoping meetings.

**3) Staff Training:** Each Sanctuary should identify the training needs for individual staff and begin the process of organizing training sessions.

**4) Timeline:** The timeline will be designed to reflect key training sessions prior to and during the management plan review.

**5) Response:** The staff training plan will allow for modifications resulting from staff feedback over time. It is important to continually evaluate the needs of each staff member working on the project.

Table 1: Outreach Tools Matrix.

Tools	Constituent Outreach	Community Awareness	Media Outreach	Staff Training
Messages and talking points	*	*	*	*
Management plan review website	*	*	*	*
Press/Briefing Kits	*	*	*	
MP review brochure	*	*	*	
Informational one-pagers	*	*	*	
Maps and charts	*	*	*	
Timeline	*	*	*	
FAQ sheets	*	*	*	
Editorial fact sheets			*	
Press releases			*	
Calendar press releases			*	
Media advisories			*	
Powerpoint presentation	*	*		*
Feature story and/or op/eds		*		
Ocean issue forums	*	*		
Flyers for events, meetings, etc.		*		
General mailing distribution lists	*	*		

\* This represents a primary tool for this target group; all materials are available for use with any target group as needed.

#### Explanation of Outreach Tools:

**1) Messages and talking points:** Key messages are specific “take home” messages that should be stated at every opportunity. Talking points provide staff with agency-approved language that can be used to respond to specific issues.

**2) Management plan review website:** updates, notices, and background information such as management plans and maps can easily be posted on this website, creating a location where media can easily learn about the process. This site can also be used to archive media releases, correspondence, and other outreach materials.

**3) Press/Briefing kits:** for handout at “desksider” meetings or at public events. These are essentially press kits tailored to constituent groups. They will contain the following basic information about the Sanctuary and the management plan review process. Other information will be added, depending on the immediate use.

**a) Management plan review brochure:** This brochure will provide an introduction to the Sanctuary and the management review process.

**b) Informational one-pagers:** One-pagers contain information presented on key subjects related to management plan review. Informational one-pagers will be ever changing,

reflecting the stage of management plan review. They may be included in briefing kits or handed out on their own.

**c) Maps and charts:** These will depict the Sanctuary and any other specific features needed.

**d) Timeline:** This will depict the management plan review process and points where the public can get involved.

**e) FAQ sheets:** Frequently asked questions based upon questions often asked by the public will be available.

**f) Editorial fact sheets:** Fact sheets contain information in bullet format for editorial use. Facts, figures, and easily understood pieces of key information. Fact sheets provide writers easy access to necessary information in a useful format. Fact sheets will be ever changing, reflecting the stage of management plan review and the immediate use. (e.g.: "Today's meeting will be the first of 10 public scoping meetings...") They may be included in press kits or handed out on their own.

**4) Press releases:** An event or development in the management plan review process will be announced in press releases. They may be used prior to or concurrent with an event (release of reports) or after a meeting to communicate the Sanctuary's point of view.

**5) Calendar press releases:** A simple "who, what, where" format announces public meetings. These are sent to calendar and assignment editors to publish for public to read or see.

**6) Media advisories:** Activity or event notices are sent to media and constituents with the intent to have them cover the story. These also give notice to editors and assignment editors that a potential story opportunity will take place and their coverage is encouraged. They can also be used to provide public notice of an event.

**7) PowerPoint presentation:** This computer presentation summarizes the management review process.

**8) Feature Story and/or Op-Eds Topics/Information:** Ideas for possible Sanctuary-related feature stories are promoted in local newspapers, publications, and trade journals. These topics will be identified and provided to writers/reporters to promote awareness about the NMSP and the management plan review process.

**9) Ocean Issue Forums:** The forums identify "opinion leaders" from credible organizations and/or individuals from the State and other areas who have participated in a management plan review process and could talk to local communities about their experience.

**10) Flyers:** Flyers and handbills will periodically be prepared for posting on community bulletin boards and provided to locations throughout the Sanctuary area announcing upcoming Sanctuary-related events as well as key public meetings associated with the management plan review.

**11) General Mailing/Distribution Lists:** In order to keep both groups and individuals informed of upcoming public meetings and activities associated with the management plan review, each site will establish a general mailing/email/fax list that can be used to periodically disseminate such information.

Table 2: Process Steps Matrix.

Steps	Constituent Outreach	Community Awareness	Media Outreach	Staff Training
Prepare materials for target group	*	*	*	
Prepare contact list	Key constituents	Community groups	Key reporters/editors	
Media/Constituent Training	*	*	*	*
- Facilitation/Recording	*	*		*
- Conflict Management	*	*		*
Staff assignments				
- One-on-one meetings	*		*	
- Group presentations	*	*		
- Send out press releases, etc.			*	
- Send written/electronic updates	*	*	*	
- Track contacts, presentations	*	*	*	
- Track media coverage			*	
Develop implementation timeline	*	*	*	
Response				
- Follow-up on info requests	*	*	*	
- Modify plan based on feedback	*	*	*	

\* This represents a key process step for this target group.

#### Explanation of Process Steps:

**1) Preparation of materials:** The messages, talking points, press/briefing kits, FAQs, informational fact sheets, and formats for calendar press releases and media advisories should be prepared in advance of constituent contact.

**2) Contact lists:** Lists should be generated and consistently refined to reflect the target groups at each site, the frequency/method of contact, and responsible staff. Separate lists should be developed for key constituents, community groups, and reporters/editors. This should include a tiered approach: (a) critical constituents and reporters/editors to be personally and regularly contacted by Sanctuary staff; (b) constituents to get regular updates via email or fax; (c) community groups to whom presentations about the Sanctuary and the management plan review process will be made; and (d) constituents/reporters/groups to be notified of public meetings and other major events.

**3) Media/constituent outreach training:** The site should go through media/constituent outreach training in preparation for the management plan review process. This should also include training on facilitation and recording for the scoping meetings as well as conflict management.

**4) Staff assignments:** The site should determine who will be responsible for contacting and maintaining dialogue with specific target individuals/groups. These same staff should develop a reporting mechanism to keep others informed of their contacts and issues raised. Media coverage

should also be tracked.

**5) Timeline:** A schedule should be designed for strategic meetings with constituents. It is important to get out and informally meet key constituents on their “turf” (spend time on water, along docks, etc.). The timeline should also reflect projected announcements.

**6) Response:** It is important to maintain an ongoing dialogue with key constituents/reporters and to provide them with information as it is requested. The communications plan will also allow for modifications resulting from feedback with target groups over time.



Table 3: Sample Timeline.

Time	Constituent Outreach	Community Awareness	Media Outreach	Staff Training
5 months > scoping				• Conduct staff training
4 months > scoping	<ul style="list-style-type: none"> <li>Develop key constituent list</li> <li>Draft outreach materials</li> </ul>	<ul style="list-style-type: none"> <li>Develop list of community groups</li> <li>Draft outreach materials</li> </ul>	<ul style="list-style-type: none"> <li>Develop list of key reporters/ and editors</li> <li>Draft outreach materials</li> </ul>	<ul style="list-style-type: none"> <li>Conduct staff training</li> </ul>
3 months > scoping	<ul style="list-style-type: none"> <li>Conduct media/constituent outreach training</li> </ul>	<ul style="list-style-type: none"> <li>Conduct media/constituent outreach training</li> </ul>	<ul style="list-style-type: none"> <li>Conduct media/constituent outreach training</li> </ul>	<ul style="list-style-type: none"> <li>Conduct comm.. plan all-hands meeting</li> </ul>
2 months > scoping	<ul style="list-style-type: none"> <li>Create website</li> <li>Finalize outreach materials</li> <li>Begin meetings with constituents</li> </ul>	<ul style="list-style-type: none"> <li>Create website</li> <li>Finalize outreach materials</li> <li>Begin community presentations</li> </ul>	<ul style="list-style-type: none"> <li>Create website</li> <li>Finalize outreach materials</li> <li>Begin meetings with reporters and editors</li> </ul>	<ul style="list-style-type: none"> <li>Conduct media training for staff</li> </ul>
1 month > scoping	<ul style="list-style-type: none"> <li>Continue meetings with constituents</li> <li>Release scoping document</li> </ul>	<ul style="list-style-type: none"> <li>Continue community presentations</li> <li>Release scoping document</li> </ul>	<ul style="list-style-type: none"> <li>Continue meetings with reporters and editors</li> <li>Release scoping document</li> </ul>	<ul style="list-style-type: none"> <li>Conduct scoping mtg preparation</li> <li>Train all staff in facilitation</li> </ul>
Scoping	<ul style="list-style-type: none"> <li>Conduct scoping meetings</li> </ul>	<ul style="list-style-type: none"> <li>Conduct scoping meetings</li> </ul>	<ul style="list-style-type: none"> <li>Conduct scoping meetings</li> </ul>	
Scoping > 1 month	<ul style="list-style-type: none"> <li>Summarize comments</li> <li>Conduct follow-up discussions</li> </ul>	<ul style="list-style-type: none"> <li>Summarize comments</li> <li>Conduct follow-up discussions</li> </ul>	<ul style="list-style-type: none"> <li>Summarize comments</li> <li>Conduct follow-up discussions</li> </ul>	
Scoping > 2 months	<ul style="list-style-type: none"> <li>Conduct follow-up discussions</li> <li>Prepare for next steps</li> </ul>	<ul style="list-style-type: none"> <li>Conduct follow-up discussions</li> <li>Prepare for next steps</li> </ul>	<ul style="list-style-type: none"> <li>Conduct follow-up discussions</li> <li>Prepare for next steps</li> </ul>	

## Implementation

### Key Messages

- The management plan review encompasses the coastal and offshore areas protected by the Sanctuary.
- Management plan review is required by law for all National Marine Sanctuaries to ensure the protection of these nationally significant marine and cultural resources.
- This public process will determine whether the issues and threats to the Sanctuary are the same now as when it was first designated, and whether the management approaches still protect Sanctuary resources. The review of the management plan just make sense.
- The public review process allows each sanctuary to evaluate and possibly revise its education, research, and resource protection programs and site-specific regulations.

### Talking Points

## **Boundaries**

- The NMSP, with extensive involvement from local stakeholders, will evaluate how well the existing management plan, including its boundaries and regulations, allow the Sanctuary to effectively protect its resources given existing and emerging threats, other jurisdictional authorities, and a definable ecosystem.
- During the management plan review process, the public may comment on the need to modify or amend the boundaries of any of the Sanctuary. The NMSP will evaluate these comments in the context of the broader ecosystem that influences the Sanctuary.

## **Biogeographic Context**

- To effectively assess those factors that influence the living marine and cultural resources of the Sanctuary, the NMSP will evaluate the site in the context of the broader ecosystem that defines the Sanctuary.

## **Management Plan Review Process**

- The NMSP has recently initiated a process to review the management plan for the \_\_\_\_\_ National Marine Sanctuary. The public will have many opportunities to become involved in helping review, and where necessary, make changes to the management plans for the site. The process is expected to take 2-3 years to complete.
- The management plan review, which will begin publicly on *date*, will involve input from all Sanctuary communities. The review will take into consideration the interests of commercial and recreational fishing, agriculture, coastal-dependent businesses and tourism, port and harbor interests, research, education, conservation, recreation, the public at large, the Sanctuary Advisory Council, and local, tribal, State, and Federal agencies.
- Management plan review is a fluid, ongoing process that does not start or end with this comprehensive review of the site. Some issues may have been or are currently being

addressed. Many more issues will be raised during this process than can possibly be addressed under the scope of this review. The NMSP will need to prioritize those issues that can be resolved during the management plan review and those issues that, because of complexity, may need a separate process to resolve.

- No two management plan reviews are the same. Each review is based upon the needs, resources, and issues at each site. While the NMSP may adopt outreach strategies or processes from other management plan reviews in the NMSP, such as the Channel Islands, each review is site specific and involves the local community.
- Management plan review can lead to more or fewer regulations, as well as larger or smaller boundaries for existing Sanctuaries.
- We welcome and encourage public participation in this process. There will be many opportunities for public involvement; including:
  - Sanctuary Advisory Council and working group meetings;
  - Scoping meetings held throughout the region;
  - Public workshops;
  - Public comment periods during which oral or written comments may be submitted; and/or
  - Management plan review website

### **Fishery Issues/Marine Reserves**

- The NMSP may use marine reserves to protect biodiversity and maintain habitat integrity.
- Marine reserves may be used by other resource management agencies to recover or rebuild depleted species, protect essential habitat areas such as breeding or spawning grounds, and establish long-term scientific monitoring sites.
- The management plan review process may identify other fishery issues besides marine reserves that should be evaluated.

### Frequently Asked Questions

#### **General**

*What is a National Marine Sanctuary? How does a Sanctuary get established?*

Under the 1972 Marine Protection, Research and Sanctuaries Act (reauthorized as the NMSA), the Secretary of the Department of Commerce is authorized to designate discrete areas as National Marine Sanctuaries to promote comprehensive management of their special conservation, recreational, ecological, historical, research, educational, or aesthetic resources.

*Why is it important to have a Sanctuary? Why are Sanctuaries important to coastal communities?*

The primary role of a Sanctuary is to protect its ecosystem's natural and cultural resources while allowing people to use and enjoy the ocean in a sustainable way. Sanctuary waters also provide a secure habitat for species close to extinction and protect historically significant shipwrecks and artifacts. Sanctuaries serve as natural classrooms and laboratories for schoolchildren and researchers alike to promote understanding and stewardship of our oceans. They often are cher-



ished recreational spots for sport fishing and diving and support commercial industries such as tourism, fishing, and kelp harvesting.

#### *What is an ecosystem?*

An ecosystem is the interactive system of a biological community and its environment. Within a Sanctuary, the ecosystem includes all the living organisms, the ocean and its currents, the sea floor and shoreline, and the air and wind above. It may also include the freshwater watersheds that flow into the Sanctuary and that are the spawning grounds for salmon and other fish species.

#### *How does a Sanctuary protect marine life?*

Sanctuary Managers rely on a variety of mechanisms to understand the Sanctuary ecosystem and to protect its delicate balance, thereby protecting its marine life and resources. The NMSA, along with site-specific designation legislation and regulations, provides the legal framework outlining the activities that are allowed or prohibited. This framework may be enhanced by the adoption of State laws and regulations.

Another important tool is “interpretive enforcement,” emphasizing education about responsible behavior as a proactive method to prevent harmful resource impacts from occurring in the first place.

#### *What are marine resources and why must they be protected? (Living and cultural)*

The term *marine resources* broadly defines the marine plant and animal life, the water and currents, and the ocean floor and shoreline of a Sanctuary. It may also include the historical and cultural resources within or adjacent to a Sanctuary, from shipwrecks and lighthouses to archaeological sites and the cultural history of native communities. Sanctuaries are established to protect areas that encompass unique or significant natural and cultural features.

#### *Don't other Federal/State/tribal/local agencies already do this?*

A Sanctuary may overlap several other jurisdictions. Therefore, coordination and cooperation among the responsible government agencies are key to successful Sanctuary management. The agencies may not take an ecosystem view or may focus on different aspects or different resources, but generally the goals are consistent with protection and sustainable development of the area.

### **Management Plan Review and Public Involvement**

#### *What is a management plan?*

A management plan guides the objectives, policies, and activities for a Sanctuary. It is a Sanctuary-specific planning and management document. Management plans generally outline regulatory goals, describe boundaries, identify staffing and budget needs, set priorities and performance measures for resource protection, research, and education programs, and guide the development of future management activities.

#### *Why must the management plan be updated?*

The NMSA mandates that the NMSP periodically review Sanctuary management plans and their accompanying regulations to ensure that Sanctuaries continue to best conserve, protect, and

enhance their nationally significant living and cultural resources. Most plans date back to their original designation date and have not been updated. Recent scientific discoveries, advancements in managing marine resources, and new resource management issues are not addressed in existing plans. Also, revising a management plan allows the NMSP to incorporate effectiveness measures. The management plans for the Sanctuary is # years old, and is clearly in need of review.

*What is the timeline for the process?*

Ideally, the entire process may take 2-3 years to produce a final management plan.

*What approach will you take to management plan reviews?*

The NMSP will adapt the management plan review process to the needs and resources of each Sanctuary. The approach will be a community-based public process organized by the individual Sanctuary and coordinated through headquarters. Though driven by site-specific issues, the reviews may also need to address issues of national concern. National program and field staff will work closely together and with the public throughout the process. The NMSP will do most of the work in the field, including using local technical resources. It also will work to keep both the review process and the resulting management plan as simple, straightforward, and open as possible.

*How will you review management plans?*

The NMSP will conduct the management plan review through an interactive, public process. It will begin the public process by reviewing the existing management plan and other documents. We will hold formal public scoping meetings and seek input from user groups—such as fishers, researchers, educators, conservation groups, and other government agencies. We may also utilize less formal public meetings and workshops. Sanctuary Advisory Councils, where they exist, will assist the Sanctuary Manager in the review process.

The revised draft management plan is likely to contain a series of action plans to address both specific issues and general management needs. The NMSP will make the draft management plan available for public review, take written comments, and host at least one public hearing for people to provide oral comments. After the close of the public comment period, the NMSP will consider the comments and make necessary changes before issuing the final management plan.

*What opportunities will I have to provide input into the process: as a member of the public; as a member of a user group; as an elected official?*

You can become involved in the management plan review by first helping identify issues and potential solutions during the scoping phase, and by reviewing and providing us with comments and recommendations on the draft management plan. In addition, you can attend one of the many Sanctuary Advisory Council meetings held by the Sanctuary. Meeting agendas are posted on the website and all meetings are open to the public.

*What is the Sanctuary Advisory Council? What is the role of the Council in this process?*

A Sanctuary Advisory Council is a voluntary advisory body consisting of representatives from various user groups, government agencies, and the public-at-large. The role of the SAC is to help identify issues and priorities within the Sanctuary and to make recommendations to the Sanctuary Manager on how to address them.

*Will there be an Environmental Impact Statement?*

Yes, there will either be a new EIS or EA prepared for the management plan. Either document can satisfy the requirements of NEPA, depending on the impacts anticipated from the revised management plan.

**Scientific Information**

*What scientific information already exists that can be used for decisionmaking?*

*What new scientific information will be gathered for decisionmaking? Will it be peer-reviewed science?*

**Sanctuary Regulations and Programs**

*What kinds of programs have been implemented in this Sanctuary?*

The State of the Sanctuary report for the site provides a summary of the programs in each Sanctuary.

*What are some of the success stories for the Sanctuary?*

The State of the Sanctuary report for the site highlights some of the successes the Sanctuary has had.

*What still needs to be done in the Sanctuary?*

One of the major objectives of the scoping meetings is to get help from key users and the general public on what still needs to be done to better protect the resources within the Sanctuary while allowing for its sustainable use and enjoyment.

*Are regulatory changes being considered?*

As noted above, we hope the public input from the scoping meetings will begin to identify what, if any, regulatory changes may be needed.

**Roles of Other Federal/State/tribal/local Agencies in Sanctuary Management**

- National Marine Fisheries Service
- Regional Fishery Management Council
- US Coast Guard
- Other Federal Agencies
- State Agencies
- Tribal Agencies
- Local Agencies and Authorities

Table 4: Media List and Contact Schedule.

Contact	Who will contact	Method	Date
<b>Print: Mixed market</b>			
ENN			
AP			
UPI			
USA Today			
<i>List all other state, regional, and local newspapers and print media</i>			
<b>Television</b>			
<i>List all regional and local television stations</i>			
<b>Radio</b>			
<i>List all regional and local radio stations</i>			









## IV. Issues and Decisionmaking

### Introduction

For the purposes of this handbook and for management plan review, issues are defined as the most pressing obstacles facing the site's capacity to achieve its goals and objectives. The driving force of the management plan review and the basis of the management plan itself is the identification of such issues facing the site and then the development of the strategies that will be used to help resolve those issues (see Figure 4 for a simplified flowchart of this process). Though each Sanctuary can expect to follow a slightly different process since the needs and resources of each site is different, the major tasks, tools, and considerations will be the same for each site, as follows.

### Identification of Issues

Issues are identified through three major avenues: by the public, through the scoping process; by management partners and interest groups, through the scoping process and through one-on-one meetings; and by the Sanctuary staff and SAC, through exercises such as brainstorming and workshops. The information gathered through these processes is usually wide-ranging and problem-specific. Scoping comments, meeting notes, workshop results, and other issue information are sorted and organized into thematic issue areas.

### Issue Characterization

Once the site has developed a working list of issues, a full characterization is developed for each issue (see the Issue Characterization Template in Appendix 1(B)). The characterization generally includes a description, justification for inclusion of the issue, sources, and geographic and temporal characteristics. The issue characterization is completed by staff using expert advice and commentary, perhaps through the SAC and its working groups and subcommittees.

### Issue Review

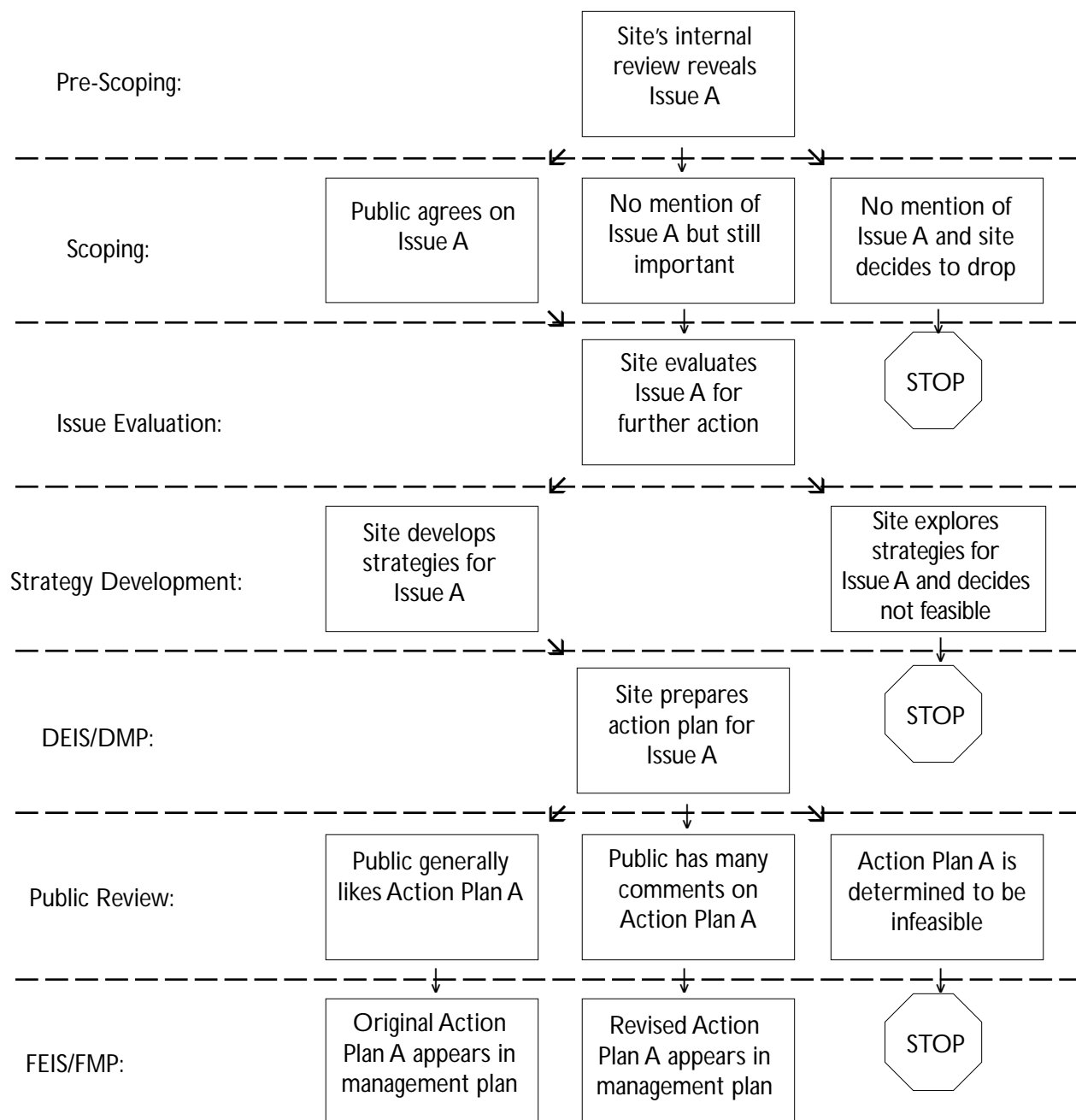
The issues are then subject to a review once they have been characterized. The issues are reviewed by knowledgeable experts. The issues are revised based on this expert commentary. Issues may be presented to the SAC for additional review and comment. In addition, the site may utilize a workshop, with invited experts, to further refine the issues and to provide input on issue priorities. The issues are revised based on these comments and organized for the prioritization phase.

### Issue Prioritization

The site reviews the issues and develops an initial set of priorities. Staff may utilize a structured evaluation process using specific criteria for determining the priority issues. Such criteria might include such considerations as:

- community attitudes;
- areal and temporal extent of threat;
- intensity of threat;

Figure 4: Issue Flow Chart.



- urgency;
- political feasibility;
- social practicality; and
- the Sanctuary's ability to address the threat.

This initial set of priorities may be presented to the SAC for their advice. Staff then finalizes the priority list of issues after obtaining the SAC's advice.

### Identify Strategies to Address Priority Issues

Strategies are developed to address the priority issues. Strategies are actions or projects that are designed to address the priority issues and achieve a particular desired outcome. Typically, a series of strategies are identified in a workshop or meeting setting, involving staff and invited knowledgeable experts. This list of strategies is usually prioritized. The higher priority strategies are characterized in detail using a strategy template (please see Strategy Template in Appendix 1(C)). The template includes a general description of the strategies and its activities, schedule, cost, etc. The information can be developed in workshops or meetings involving knowledgeable experts. The strategies are drafted real time at the meetings or workshops.

### Strategy Review and Revision

The draft strategies are circulated for review and revision. Staff, workshop participants, SAC members, and knowledgeable experts serve as reviewers. The strategies are revised by the management plan team per comments.

### Strategy Prioritization

The strategies are then evaluated and priorities are set. The SAC may provide advice about priorities, but the staff is responsible for deciding final priorities. The strategies are prioritized using criteria such as:

- cost;
- staff requirements;
- regulatory requirements;
- enforcement requirements;
- impact on Sanctuary outcomes;
- benefits to the Sanctuary; and
- institutional barriers.

Once strategies have been prioritized, they then form the basis for developing action plans (please see detailed discussion in the Section II of this handbook).

### Introduction



## V. Management Effectiveness Assessment

### Introduction

In 1998, as the NMSP began to reinvigorate internal efforts to review management plans and had begun revising three of the thirteen plans (Channel Islands, Grays Reef and Stellwagen Bank NMSs), many new tools, including this handbook and templates for building action plans, were developed in support of this process. Another tool developed in support of this process is the management effectiveness assessment method described in this section, which provides recommendations on how to incorporate effectiveness measurement into the development of action plans.

Assessing *management effectiveness* (the achievement of a planned effort or action) is a critical element of the operation of Sanctuaries. With regard to Sanctuaries, this process will be implemented as an integral part of the management plan review (or alone as part of a smaller effectiveness assessment between management plan reviews) and will contribute to the overall management process by:

- Promoting effectiveness assessments as a regular part of Sanctuary management;
- Fostering the development of clear, concise problem statements and measurable outcomes;
- Providing a tool that allows managers to comprehensively evaluate their sites in both the short and long term;
- Fostering the growth of a feedback loop that encourages an internal approach to problem solving and improved performance;
- Allowing site staff to make decisions based on more accurate and relevant information;
- Promoting accountability;
- Supporting Sanctuary efforts with an informed resource-allocation process; and
- Motivating staff with clear policies and a focused direction.

### Underlying Principles

Management effectiveness assessment should always be driven by such underlying principles as:

- Assessment criteria should be developed by site staff and their SAC/partners;
- Effectiveness should be measured in “progressive” terms (consistently moving toward a fixed point or percentage) rather than absolute terms (measured only at a fixed point or percentage);
- Assessments should as much as possible reflect overarching, ecosystem-wide goals;
- Assessments should be constant and highly iterative processes that are adaptable to environmental, political, and/or socioeconomic change; and
- Results should be written in clear, concise language that is easy to understand and easy to communicate to stakeholders and the public.

It should also be recognized that much of a Sanctuary's day-to-day management includes actions that are goal-related and objective-driven, but non-measurable, non-quantifiable, and not related to

a specific issue, strategy, or activity. Such actions might include impromptu communications with constituents or other Federal partners; unplanned meetings with industry, the media, other government officials, or the general public; emergency response situations; and assorted administrative duties. Although such actions may not be designated as specific parts of a particular management strategy, they should be recognized (in an annual report or other medium) as an integral part of day-to-day management of the site.

### Potential Challenges

The process of assessing the management effectiveness is new to the NMSP. As a result, the assessment process is developmental and expected to be demanding. Challenges may stem from many areas, including:

- the lack of preexisting data and baseline information about many marine resources;
- the impacts of external threats on protected area management activities;
- costs, time, and labor associated with extensive monitoring and data collection;
- the demands of assessment on everyday work loads; and/or
- a broad diversity and high number of goals, objectives, and indicators.

Because this model asks Sanctuaries to facilitate their own assessments, bias may also be a challenge. As such, each site must be as accurate and honest with information as possible and develop strategies, activities, and performance measures that best represent overarching goals and objectives without being a “guaranteed” success for the site. Inviting various constituents, representatives from other sites, and non-Sanctuary partners into the assessment team will help to avoid some of the potential problems of bias.

### Process

#### Phase I: Plan for the Management Effectiveness Assessment.

The first step of any management effectiveness assessment is to plan. Planning will get site staff focused on the need for management effectiveness assessments, the reasons why the site should carry them out, and how the process will help improve overall management of the Sanctuary.

#### ***1. Designate an assessment team.***

The team should (at a minimum) consist of the site manager and a project manager. Members of the site staff, and if applicable, representatives from headquarters (to assist in maintaining a programmatic connection to the assessment) should also be included. It may be useful as well to include staff from other sites who have gone through or will go through the management effectiveness and management plan review processes.

Site stakeholders should also be involved in the assessment process. Members of the SAC, local scientists, or other partners will help balance performance planning demands, provide critical review of the process, and assist with disseminating results to the public. It is up to the site to determine how these groups could best serve the assessment process and decisions about these groups should be made as early in the assessment process as possible.

## **2. Identify and articulate need.**

Identification of need will help to clearly outline the ways in which management effectiveness assessments will promote improved management of the site. Articulating this will help keep staff focused, will aid in communications about the management plan or assessment, and provide support for plan-related budget requirements.

## **3. Determine reporting method.**

It is critical that the site determines how exactly the results of the assessment will be conveyed. Annual performance reports, quarterly "report cards," State of the Sanctuary reports, and other means of new or existing outreach tools are just a few ways in which results can be conveyed efficiently and effectively. More on reporting is detailed in later steps.

## **4. Use internal assessment ranking tool.**

Figure 5 shows a relatively low-effort tool that can be completed quickly and easily with a small number of staff. Its purpose is to assist staff with characterizing current site management actions and prioritizing existing (as well as emerging) issues. As Leverington and Harper (2000) point out, this type of tool is not intended to criticize or punish the collective actions of staff or managers and should be addressed without "fear or favor." Instead, it should be viewed as a positive process that will quickly link existing information and resources to the development of outcome-based performance plans while providing staff with a clearer vision of desired site performance standards. In short, it is the first step in developing a process for continually refining the ways in which the site is managed. There are six tiers to the questionnaire:

- Tier 1 - Living Resources: how are current management strategies affecting the site's living resources?
- Tier 2 - Nonliving Resources: how are current management strategies affecting the site's nonliving resources?
- Tier 3 - Socio-economics: how are current management strategies affecting the health of the regional communities and economies?
- Tier 4 - Administrative: how are administrative factors affecting the site's ability to manage?
- Tier 5 - Inputs/Operations: how are operational factors affecting the site's ability to manage?
- Tier 6 - Site Design: how is the site's physical location and size affecting the ability to manage?

Phase II: Assess Internally.

This process mirrors the Phases I-VI of the management plan review process discussed in Section II of this handbook. These phases guide a site through the process of developing visions, goals, and objectives; defining, prioritizing, and characterizing issues; developing problem and outcome statements; defining, prioritizing, and characterizing strategies; and finally developing action plans that contain performance indicators on which the subsequent effectiveness assessment steps are based.

For a site that is just starting a management plan review, this section should be used in conjunction with Section II of this handbook. For those sites that are conducting official five-year reviews or doing a “between management plan reviews” assessment, this section may stand alone, since the site will already have developed its action plans and performance measures.

Phase III: Monitor and Evaluate.

Monitoring and evaluation is an ongoing process in which the site collects information on the progress of their strategies, measures it against their desired outcomes, and begins to make preliminary determinations about the effectiveness of site management.

***1. Collect and record information over time.***

As each strategy is carried out, it should be monitored for progression toward the desired outcome. Results from monitoring should be gathered and recorded as consistently as possible for the length of the particular strategy. How information is collected is up to each site but should incorporate existing monitoring strategies and other efforts at data collection wherever possible and then tailored to each strategy.

***2. Assess progress toward desired outcomes and adjust as necessary.***

If the Sanctuary determines it is not progressing towards the outcomes it has set for itself, staff should work to identify obstacles and adjust strategies and activities to meet areas of need. It is important that the site understands the reasons why targets are not being reached: Are problems directly related to management actions? Are they the result of indirect actions that do not fall under the scope of day-to-day management (such as slow response time between the site and other Federal or tribal or State partners)? Perhaps the strategy or activity designated for the outcome is not “the right one” (for whatever reason, the strategy or activity is not contributing to the achievement of the outcome at all).

It is important to note that progress should be measured in “progressive” (consistently moving toward a fixed point or percentage) rather than absolute terms (measured only at a fixed point or percentage). Thus, if the site determines it is consistently progressing towards the target it has set for itself, this is generally an indication that management actions are effective.

In some cases, such as natural disaster or catastrophic event, achievement of objectives may be adversely affected by factors beyond the control of site management and should be identified. In these instances, sites should evaluate whether or not the objective should continue to be pursued, or should be modified or abandoned.

***3. Measure against ecological/ecosystem-wide indicators.***

Ecological indicators typically address the health of species (whether biologically or genetically) or habitats that represent key elements of an ecosystem's or bioregion's overall health. Over the last decade or so, marine scientists have been struggling to establish ecological indicators for a number of global bioregions and there are currently a number of ongoing projects to maintain this effort. The management efforts of existing marine protected areas should strive to incorporate these indicators into their overall management effectiveness planning as measures of the highest level. System-wide indicators, in other words, should be viewed as top-tier targets to which a site should aim. For more on ecological indicators, see the report by the National Academy of Sciences' Committee to Evaluate Indicators for Monitoring Aquatic and Terrestrial Environments (2000).





Phase IV: Assess Inputs and Outputs.**1. Reassess inputs.**

Although inputs (funds, equipment, staff, etc.) were initially evaluated when the Sanctuary completed the internal assessment matrix earlier in this process, revisiting the inputs designated for each strategy is recommended. Because management planning is a time-intensive process, demands for inputs may have grown (or lessened) during the planning period. In many cases, sites may find that they no longer have enough money or time to complete a particular strategy or that opportunities for labor or equipment loans may no longer be available. Reassessing inputs will help the site to maintain a clear understanding of the current status of each strategy's basic operational needs and will allow for a proactive approach to keeping a strategy adequately staffed and funded.

**2. Assess for outcomes vs. outputs.**

Outputs are the products and services a site produces. They are typically represented by such factors as:

- Volume of work: number of scoping meetings held within the community, number of reports, papers or brochures produced, number of education programs established, etc.
- Physical products: number of new zones designated, level of increases in area of site boundaries, number of zones established, etc.
- Number of users: visitors to site facilities, number of divers, recreational fishers, researchers, people using a particular service of the site, etc.
- Number of administrative actions taken: number of permits issued, number of enforcement actions taken, etc.
- Number of planned work programs achieved: management plan reviews, site characterizations, performance assessments, etc.

Often, outputs are unknowingly substituted for outcome-based strategies and activities. Although outputs will inevitably make up a small part of any management plan, they should not comprise the bulk of a plan due to the fact that they are inadequate representations of a site's management effectiveness. It is very difficult, for example, to make a determination about a site's performance based on the number of educational kiosks that were established over the last five years or the number of brochures that were produced. Similarly, a site's ability to protect water quality cannot be directly linked to the fact that the Sanctuary moderated three conferences on the effects of point-source pollution over the course of the year.

Although outputs should always be recognized (perhaps in a site's annual report or some other publication) as an integral part of site management (and will inevitably make up some of a site's designated management activities), they should not be a substitute for outcome-based strategies and activities. If the sites finds a number of outputs, staff should work to repackage the strategy so that it works to directly impact the relative outcome or issue.

Phase V: Communicate Results.

**1. Consolidate results in a report.**

As results on various strategies become known, they should be consolidated in a report. The report should detail findings and issues related to the monitoring process and should conclude with an interpretation of how this process helped the site make determinations about its ability to achieve outcomes, mitigate its issues, and meet its overarching goals and objectives.

**2. Distribute report for review and comment.**

Once the report is finalized, it should be distributed both internally and externally for review. To assess management needs and concerns, comments should be solicited on a range of issues and used in the process to determine which management strategies are working and which are not.

**3. Promote the exchange of ideas.**

Whenever possible, a site should exchange ideas and lessons learned throughout the assessment process with other sites, managers and staff of other marine protected areas, other marine resource management agencies/organizations, and/or any interested parties.

Phase VI: Adjust Where Necessary.

This final step in the process closes the feedback loop as the Sanctuary makes concrete decisions about the utility of specific strategies and activities, and decides whether or not they should be continued in their current state, adjusted to more effectively and efficiently meet the desired outcome, or be discontinued. Site management becomes, therefore, a truly iterative process as staff, management, and constituents continually visit and revisit ongoing issues and make informed decisions about the effectiveness of the strategies proposed to address them.

As an example, we may again look to the increased diversity/establishment of a no-take zone model. If, for instance, the site sees no or very little increase in the distribution of snapper/grouper larvae within the zone over the next five years, they should begin questioning the overall utility of the various strategies used to achieve the outcome. Is the location or design of the zone affecting the low distribution rates? Are enforcement efforts working to adequately protect the zone from anthropogenic disturbances? Whatever the questions may be (if there are any questions at all), the site should work both internally and externally to answer them to the best of their ability and adjust strategies and activities to more effectively address the outcome.

There may be cases when the site determines that a certain strategy is simply not the best course of action for achieving the outcome. In cases when factors beyond site control (natural disturbances, non-point source pollution, etc.) are having an adverse impact on a strategy, the site may have little choice but to abandon. Other times, the site may find that certain strategies are no longer necessary for achieving an outcome. For example, a site may find that when coupled with a well-advertised no-take policy and a ban on spearfishing, increasing enforcement is not absolutely necessary to increase the diversity of fishes in the zone. The site may then choose to cut back on the number of patrols they conduct at the zone or the number of cross-deputizations they perform and redirect funds to another facet of overall site management. Whatever the case may be, it is imperative that the feedback loop remains intact so that the link between goals, issues, outcomes, and strategies is maintained.

It is important to reiterate that the assessment of management effectiveness should be incorporated as a regular part of the cycle of management. Ultimately, it should not be viewed as a terminal process with an explicit beginning, middle, and end. Issue and problem statements, strategies, activities, and performance measures should be approached as highly iterative management tools that must be reviewed on a continual basis to ensure adaptability and utility. In the real world of conservation management, it is highly unlikely that the steps proposed in these guidelines would occur in such a linear fashion. Thus, sites must learn to recognize and adapt each component to its own overall management schedule so that at some point over the next five or ten years, each gets carried out in a relatively complete fashion.

It is also important to reiterate that sites should always strive to develop management effectiveness plans that accurately reflect the resource capacities of their sites. Strategies and activities that are extremely costly to undertake, technologically unfeasible, heavily impacted by external threats, or extremely labor-intensive to monitor should be reconsidered so that excessive need for effort or resources does not cripple a site's ability to adequately protect its resources. Following this logic, however, does not mean sites should only develop strategies

that are simple to measure or inexpensive to monitor; rather, it means they should develop legitimate, telling, and viable strategies that can be adequately implemented within reasonable resource and temporal parameters, and that will produce meaningful results.

References

Leverington, F. and T. Harper. 2000. "Evaluate, Change and Propagate - Three Steps to Better Parks." Paper presented at "Beyond the Trees: An International Conference on the Design and Management of Forest Protected Areas." Available at [http://www.panda.org/forests4life/spotlights/trees/bt\\_leverpaper.htm](http://www.panda.org/forests4life/spotlights/trees/bt_leverpaper.htm). Accessed on May 22, 2000.

National Academy of Sciences. 2000. *Ecological Indicators for the Nation*. A Report from the Committee to Evaluate Indicators for Monitoring Aquatic and Terrestrial Environments. National Academy Press, Washington DC.

Figure 5: Internal Assessment Template.

This tool has been designed for Sanctuary staff to quickly assess the current status of ongoing management issues and should be applied as one of the first steps of an ongoing management plan review or as an early means of identifying issues at a site being considered for protected status designation. When looked at in entirety, the tool covers a fairly comprehensive scope of management activities. It is not, however, complex and can be completed by a small number of site staff. This model is based on a tool originally developed by Dr. Jackie Alder of the Edith Cowan University in Joondalup, Australia.

Tier 1: Living Resources
<b>Exploitation Status (Targeted Species)</b> a. Most of the site's targeted species are nearly collapsed. b. Most of the site's targeted species are heavily exploited. c. Most of the site's targeted species are moderately exploited. d. Many of the site's targeted species are not exploited.
<b>Exploitation Status (Non-targeted Species)</b> a. Many of the site's non-targeted species are almost collapsed. b. Many of the site's non-targeted species are heavily exploited. c. Many of the site's non-targeted species are relatively exploited. d. Many of the site's non-targeted species are not exploited.
<b>Changes in Trophic Level</b> a. Trophic levels have decreased rapidly over a short time. b. Trophic levels have decreased rapidly, but over a long time. c. Trophic levels have decreased, but slowly over time. d. Trophic levels have not decreased.
<b>Catch Effort (exploited resources)</b> a. In the last 5 years, catch levels have increased heavily. b. In the last 5 years, catch levels have increased moderately. c. In the past 5 years, catch levels have not increased.
<b>Catch before Maturity</b> a. Almost all exploited resources are caught before maturity. b. More than half of all exploited resources are caught before maturity. c. Some of all exploited resources are caught before maturity. d. Very few of all exploited resources are caught before maturity.
<b>Harvesting Technology</b> a. Harvesting technologies have improved radically and is having a dramatic impacting on site resources. b. Harvesting technologies have improved radically but are having only a moderate impact on site resources. c. Harvesting technologies have improved somewhat but resources are not being negatively impacted. d. Harvesting technologies have improved very little and resources are not impacted.

**TIER 1 (CONTINUED)**

**Overall Impact of Extraction on Environment**

- a. The overall site impact of resource harvest is devastating (>75% of the site).
- b. The overall site impact of resource harvest is widespread and chronic (>50% of site).
- c. The overall site impact of resource harvest is moderate (<50% of the site).
- d. The overall site impact of resource harvest is minimal.

**Migratory Species**

- a. The site's migratory species have been greatly reduced over the last 10 years.
- b. The site's migratory species have been somewhat reduced over the last 10 years.
- c. The site's migratory species have remained consistent over the last 10 years.

**Recruitment Variability**

- a. Overall recruitment of exploited site species has changed dramatically over the past 10 years.
- b. Overall recruitment of exploited site species has changed somewhat over the past 10 years.
- c. Overall recruitment of exploited site species has remained consistent over the past 10 years.

**Tier 2: Nonliving Resources**

**Long-term Benefits**

- a. The long-term societal benefits from these resources are negative.
- b. The long-term societal benefits from these resources are zero.
- c. The long-term societal benefits from these resources are low.
- d. The long-term societal benefits from these resources are high.

**Compensation**

- a. There is no compensation to the public for the extraction of these resources.
- b. There is some compensation to the public for the extraction of these resources.
- c. There is full compensation to the public for the extraction of these resources.

**Impacts**

- a. The extraction of these resources greatly impacts site species and/or habitats.
- b. The extraction of these resources somewhat impacts site species and/or habitats.
- c. The extraction of these resources rarely impacts site species and/or habitats.



### Tier 3: Socio-Economics

#### Regional Contribution

- a. The site contributes, both ecologically and managerially, very little to the regional system of MPAs.
- b. The site contributes, both ecologically and managerially, moderately to the regional system of MPAs.
- c. The site contributes, both ecologically and managerially, significantly to the regional system of MPAs.

#### Sustainable Profits

- a. Less than 10% of local businesses are profiting in a sustainable fashion from site resources.
- b. Less than half of local businesses are profiting in a sustainable fashion from site resources.
- c. About 1/2 of local businesses are profiting in a sustainable fashion from site resources.
- d. Most (75-100%) local businesses are profiting in a sustainable fashion from site resources.

#### Impact on Regional Economy

- a. Compared to other sectors of the economy, the impact of the site on the regional economy is low.
- b. Compared to other sectors, the impact of the site on the regional economy is moderate.
- c. Compared to other sectors, the impact of the site on the regional economy is high.

#### Economic Diversity

- a. The diversity of industries that use site resources is low.
- b. The diversity of industries that use site resources is moderate.
- c. The diversity of industries that use site resources is high.

#### Profits

- a. Profits from site resources go mainly to foreign interests.
- b. Profits from site resources go mainly to local and foreign interests.
- c. Profits from site resources go mainly to local interests.

#### Consumption

- a. Consumption of site resources is mainly international in scale.
- b. Consumption of site resources is mainly national in scale.
- c. Consumption of site resources is mainly local or regional in scale.

#### Illegal Activities

- a. Community tolerance of illegal activities in the site is high.
- b. Community tolerance of illegal activities in the site is moderate.
- c. Community tolerance of illegal activities in the site is low.
- d. Community tolerance of illegal activities in the site is very low.

#### Conflict

- a. Conflict among users is high.
- b. Conflict among users in moderate.
- c. Conflict among users in low.

#### Nonmonetary Values

- a. Nonmonetary values (biodiversity loss, aesthetics, etc.) are not considered in site decisionmaking.
- b. Nonmonetary are sometimes considered in site decisionmaking.
- c. Nonmonetary values are usually considered in site decisionmaking.
- d. Nonmonetary values are always considered in site decisionmaking.

#### Waste

- a. Waste from resource-extraction (by-catch, drill muds, etc.) in the site is high.
- b. Waste from resource-extraction in the site is moderate.
- c. Waste from resource extraction in the site is low.



## Tier 4: Inputs/Operational

### Principal Budget

- a. The principal budget is grossly inadequate and leads to severe management constraints.
- b. The principal budget is grossly inadequate and leads to severe management constraints.
- c. The principal budget is grossly inadequate and leads to severe management constraints.

### Revenue Enhancements

- a. There is no additional revenue generated from permit fees, grants, or other types of fees.
- b. There is limited revenue generated from permit fees, grants, or other types of fees.
- c. There is significant revenue generated from permit fees, grants, or other types of fees.

### In-Kind Contributions

- a. There are no in-kind contributions supporting site management activities.
- b. There are some in-kind contributions supporting site management activities.
- c. There are many in-kind contributions supporting site management activities.

### Staff Salaries

- a. Staff salaries are grossly inadequate and significantly hinder morale.
- b. Staff salaries are adequate but not sufficient to impact morale.
- c. Staff salaries are adequate and do not negatively affect morale.

### Staff Location

- a. Staff are positioned throughout the site in a way that does not support management activities.
- b. Staff are positioned throughout the site in a way that just supports management activities.
- c. Staff are positioned throughout the site in a way that strongly supports management activities.

### Staff Duties

- a. The day-to-day duties of site staff are such that they do not support efficient site management.
- b. The day-to-day duties of site staff are such that they just support efficient site management.
- c. The day-to-day duties of site staff are such that they fully support efficient site management.

### Staff Skills

- a. Staff skills are inadequate to meet the site's management objectives.
- b. Staff skills adequately meet the site's management objectives, but they need much improvement.
- c. Staff skills adequately meet the site's management objectives, but they need some improvement.
- d. Staff skills adequately meet the site's management objectives and need no improvement.

### Volunteers

- a. There is no volunteer support for relevant site management objectives.
- b. There is some volunteer support for relevant site management objectives, but it is very limited.
- c. There is some volunteer support for relevant site management objectives, but is somewhat limited.
- d. There is strong volunteer support for relevant site management objectives.

### Equipment

- a. The amount and quality of site equipment is grossly inadequate and significantly hinders site management.
- b. The amount and quality of site equipment is just adequate to support site management objectives.
- c. The amount and quality of site equipment is excellent.





## Tier 5: Administrative

### Legislation

- a. Problems with legislation and regulations represent a major barrier to achieving site goals.
- b. Problems with legislation and regulations are significant but not a major barrier to achieving site goals.
- c. Problems with regulations are not a barrier to achieving site goals.
- d. Regulations are particularly effective in achieving site goals.

### Enforcement

- a. There is no effective means of enforcing site legislation and/or regulations.
- b. There are major deficiencies in site enforcement capacities (staff lack skills, few patrols, lack of vessels, etc.)
- c. Site enforcement capacities are acceptable but deficiencies are evident.
- d. Site enforcement capacities are excellent and highly effective

### Resource Inventory

- a. There is little data or no data available on the natural or cultural resources of the site and efforts to acquire this data are highly limited.
- b. Data on these resources exists but is not sufficient to support site planning and decisionmaking.
- c. Data on these resources is sufficient for certain areas of site planning.
- d. Data on these resources is sufficient to support most or all areas of site planning.

### Resource Management Needs

- a. Needs for prolonged management of the site's natural and cultural resources have not been assessed.
- b. Needs for prolonged management of the site's resources are known but are not being addressed.
- c. Needs for prolonged management of the site's resources are only partially being addressed.
- d. Needs for active management of these resources are being fully or substantially addressed.

### Site Maintenance

- a. Little or no site maintenance is undertaken.
- b. Maintenance is only undertaken when site facilities are in need of repair.
- c. Facilities and materiel are regularly maintained and are adequately operational.

### Visitors

- a. Visitor facilities for the site do not exist at all.
- b. Visitor facilities do not meet needs of visitors or visitor use is seriously damaging site resources
- c. Visitor facilities exist but are in need of attention.
- d. Visitor facilities are adequate and support the current number of visitors.

### Management Systems

- a. Problems with current management systems (budgeting, training, office procedures) significantly constrain site operations.
- b. Problems with current management systems partially constrain site operations.
- c. Management systems provide support to site managers and allow for effective operations.

### Local Communities

- a. Local communities have little or no input in site management decisions.
- b. Local communities have input but no direct involvement in decisionmaking
- c. Local communities directly contribute to site decisionmaking.



## Tier 5: Administrative (continued)

### Commercial Tourism

- a. There is little or no contact between site managers and tour operators working in the site.
- b. There is contact between the site and these managers but it is confined to mostly administrative or regulatory matters.
- c. There is a cooperative relationship between the site and commercial tour operators that enhances visitor experience and promotes the protection of site values and resources.

### Land-based Uses and Activities

- a. Mechanisms for cooperating in efforts to control site-damaging land-based activities are not in place or largely ineffective.
- b. Mechanisms exist but there are major obstacles to implementing them.
- c. Mechanisms exist but there are some problems with implementing them.
- d. Mechanisms exist and are being effectively implemented.

## Tier 6: Site Design

### Vulnerability

- a. The site is extremely susceptible to external threats, such as natural disasters, climate change, etc.
- b. The site is moderately susceptible to external threats, such as natural disasters, climate change, etc.
- c. The site is not susceptible to external threats, such as natural disasters, climate change, etc.

### Size (Large)

- a. The site's size is too large for the management capacities of the site (patrols, number of ships, number of aircraft, etc.).
- b. The site's size is somewhat too large for the management capacities of the site (patrols, number of ships, number of aircraft, etc.).
- c. The site's size is not too large for the management capacities of the site (patrols, number of ships or aircraft, etc.).

### Size (Small)

- a. The site's size is too small to adequately protect regional biodiversity.
- b. The site's size is just adequate to protect regional biodiversity.
- c. The site's size adequately protects regional biodiversity.

### Land-based Impacts

- a. The site is heavily impacted by land-based activities.
- b. The site is moderately impacted by land-based activities.
- c. The site is minimally impacted by land-based activities.





## VI. Management Tools

In order to achieve the NMSP's stewardship mandate, a variety of management tools has been developed (Table 5 and discussed in more detail later). As sites characterize issues and consider strategies, these tools may be used to help resolve issues or address problems.

The determination of which tool to use in responding to a situation is dictated by a number of factors, including the nature of the conflict or issue; the time-sensitivity involved; the extent of the threat (site-specific, regional, or system-wide); and socioeconomic and political concerns. Usually it is not a single management tool but a range of capacities that are used to respond to a need; these tools are used and applied in conjunction with each other.

### Legislation

The NMSA authorizes the existence of the NMSP. It also serves as the most basic of management tools for Sanctuaries. The NMSA is reauthorized every four to five years, allowing for updating and adaptation as necessary. While the NMSA provides the basis for everything else that follows, the NMSP must also develop policies and operational procedures. While such documents do not carry the formal weight of law (e.g., as opposed to the legislation or regulations themselves), they nevertheless are a formal articulation of the ways the NMSP conducts business and can function in lieu of changes being made to the NMSA. If an issue or problem of such complexity or broad national implications arises that it cannot be dealt with through a management plan review, that issue should be raised to the national level, where it might be resolved through such measures as changes to the NMSA during a reauthorization, or in the policies and procedures developed to help implement the NMSA.

### Regulations

Regulations represent the detailed implementation of the NMSA in the protection and conservation of Sanctuary resources. Upon designation of a Sanctuary or during a management plan review, site-specific regulations are issued that restrict a narrow range of activities, because an activity has already been found to be incompatible with the primary mandate of resource protection or is a proactive step necessary for the protection of a specific resource. The NMSP can also revise existing regulations or issue new regulations after the designation of a site. This may occur after a Sanctuary has been in operation for several years and either a new activity is identified that did not exist prior to the Sanctuary's designation, or new information about an existing activity reveals it is incompatible with resource protection or is resulting in user conflict. Under certain circumstances, the NMSP can also issue emergency rules. Although the NMSP would generally seek non-regulatory means to address the issue, circumstances may warrant the issuance of a new regulation.

In issuing regulations, NMSP staff are responsible for adequately justifying the need for a new regulation or amendment; drafting, presenting, explaining, and revising draft and final regulations or amendments; and ensuring that all approval requirements are met. In some cases, the requirements of the NEPA must be met, if the proposed regulation or amendment could be considered to be a major action with the potential to significantly affect the environment. See Table 6 for a detailed description of the rulemaking process for regulations that both do and do not require NEPA assessments.

## Section VI: Management Tools

Table 5: Summary of Management Tools.

Tool	Description
Legislation	preparing or revising legislation to be considered by Congress
Regulations	preparing regulations through internal clearances and public reviews, and meeting NEPA and APA requirements by preparing Environmental Impact Statements and associated documents through internal clearances and public review.
Enforcement	bringing about compliance with regulations of the NMSP through aerial surveys, on-the-water presence, interpretive enforcement programs, and the use of advanced technology.
Consultation	exchanging information between Federal agencies over activities affecting NMSP resources
Permits	preparing, issuing, amending, and monitoring projects otherwise prohibited by Sanctuary regulations.
Marine Zoning	designating/evaluating individual zones and general Sanctuary-wide approaches to zoning, and devising and implementing ways to mark individual zones.
Policy Development	determining the impact, including cumulative impacts, of existing or proposed activities in Sanctuary waters and appropriate responses to those activities.
Sanctuary Advisory Councils	preparing governing Charters, recruiting and selecting members, and day-to-day operations of Advisory Councils to enhance their ability to provide valuable advice to Sanctuary Managers.
Negotiation and Facilitation	using alternative methods to settle resource issues, usually before resorting to direct regulation of users.
Partnerships	establishing relationships with other management authorities and NGOs in order to increase efficiency and enhance the ability of each partner to accomplish its mission/goals.
Volunteer Programs	using members of the community serving in an unpaid capacity to help protect Sanctuary resources through a variety of functions
Education/Outreach	providing information to various audiences in order to enhance the understanding, appreciation, and protection of Sanctuary resources; may include curricula/display development, visitor centers, and media/constituent relations.
Research/Monitoring	investigating and observing Sanctuary resources/processes/qualities, whose findings are to be applied toward better management decisionmaking.
Emergency Response, Damage Assessment, and Restoration	responding to natural/human-induced events, and enhancing the recovery of the environment from injury due to human-induced events; includes contingency planning, on-site emergency response, and restoration engineering/site design.
Revenue Enhancement	accepting in-kind/monetary donations, and soliciting sponsors of the NMSP through use of a trademarked logo; and working with local friends' groups/national foundation.
Infrastructure	basic personnel, facilities, equipment, and procedures needed for the functioning of the NMSP.

Table 6: Rulemakings by the NMSP; General NMSA, NEPA, and APA Requirements<sup>1</sup>.

### **I. Rulemakings that do not change a term of designation<sup>2</sup> of a Sanctuary (i.e., do not automatically require an Environmental Impact Statement under the NMSA):**

- Determine if a problem can be solved by a new regulation (or amending an existing regulation), and construct preliminary administrative record to support the action. An administrative record can consist of letters, e-mails, and conversation records; public records or comments; academic or technical articles, studies, and other documents; and “gray literature,” including popular articles and white papers prepared by the agency or by other agencies or experts. The amount of weight accorded to an item will vary. Prepare a draft Environmental Assessment (EA) or Categorical Exclusion documentation as appropriate.
- Prepare Advance Notice of Proposed Rulemaking for publication in the *Federal Register*. This is an optional step, and can be used to (1) raise public awareness and/or (2) collect public comments and other information to help strengthen the administrative record for rulemaking.
- Prepare the Proposed Rule and Draft EA for publication in the *Federal Register*.
- Conduct public review of the Proposed Rule and Draft EA. This will include the opportunity for the public to submit written comments, usually for a period of 30 to 45 days, and may include public hearings. Public hearings are not required but the NMSP usually holds at least one, particularly for controversial rulemakings.
- Prepare Final Rule and Final EA for publication in the *Federal Register*, after reviewing and considering public comments.
- Implement Final Rule 30 days after publication in the *Federal Register*.

### **II. Rulemakings that necessitate a change in a term of designation of a Sanctuary or that otherwise require an Environmental Impact Statement:**

- Determine if an issue or problem can be solved by a new regulation (or amending an existing regulation) that necessitates changing a term of designation, and conduct scoping to determine the range of alternatives and the significant issues.
- Prepare a Draft Environmental Impact Statement (DEIS) or a Draft Supplemental EIS (DSEIS) that contain alternatives to respond to the issue or problem, the impacts of those alternatives, and the agency's preferred alternative. The proposed action that is the subject of the DEIS or DSEIS will be the Proposed Rule.
- Release the DEIS or DSEIS by publishing a notice of availability in the *Federal Register* and by providing copies to interested parties. Simultaneously, the Proposed Rule appears in the *Federal Register* and provided to Congress.
- Conduct public review of the DEIS or DSEIS and Proposed Rule. This will include an opportunity for public comment of at least 45 days and must include at least one public hearing if the rulemaking necessitates a change in a term of designation for the Sanctuary.
- Prepare a Final Environmental Impact Statement (FEIS) or Final Supplemental Environmental Impact Statement (FSEIS). The FEIS or FSEIS will also address the proposed Final Rule. This step includes reviewing and responding to public comments.
- Release the FEIS or FSEIS by publishing a notice of availability in the *Federal Register* and by providing copies to interested parties. After a 30-day “cooling off” period, the Final Rule appears in the *Federal Register*.
- Submit the FEIS or FSEIS and Final Rule to Congress (and to the governor's office, if State waters are involved). The Final Rule will take effect after the close of a review period of 45 days of continuous session<sup>3</sup> of Congress. If State waters are involved, and the affected governor certifies that the change in the term of designation (and therefore the Final Rule) is unacceptable, the Final Rule will not take effect in State waters.
- Implement Final Rule.

<sup>1</sup> There are other applicable laws, executive orders etc. with which NOAA must be comply.

<sup>2</sup> The terms of designation of a Sanctuary include its geographic area, the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value, and the types of activities that are subject to regulation to protect those characteristics.

<sup>3</sup> Because Congress has recesses, 45 days of continuous session may actually take several months.

### Enforcement

Having regulations is useless if compliance is absent. The NMSP has the authority to enforce Sanctuary regulations; the NMSA provides for a variety of authorities of officers who have been authorized to enforce the regulations, including NMFS enforcement agents, the U.S. Coast Guard, and various State enforcement partners. Civil penalties of up to \$119,000 per violation may be assessed. Funds received from civil penalties are used by the individual Sanctuaries to further their resource management efforts. New strategies being prepared may require enforcement, or improving enforcement efforts themselves may be the new strategy (e.g., through interpretive programs to educate the user community and increase voluntary compliance).

### Consultation

Consultation is an exchange of information required by the NMSA between Federal agencies over activities proposed to occur within Sanctuaries; this provides a mechanism for the NMSP to review activities by other Federal agencies that, while perhaps may not be prohibited by a Sanctuary, may still have detrimental effects on Sanctuary resources. When another Federal agency plans to conduct an activity within a Sanctuary, that agency is required to enter into consultation with the NMSP. This process begins by the agency providing information on the planned activity and its possible impacts on Sanctuary resources for NMSP review and comment. The NMSP analyzes the information and decides whether the activity needs to be altered in some fashion to reduce, mitigate, or eliminate those impacts, and provides those comments in writing. The agency then may make some or all of the changes, but it also has the option of not changing the original project. If the latter option is chosen, the agency must respond to the NMSP in writing with the reasons why the requested alterations to the project are not being made.

Consultation remains one of the most difficult tools to use, because of such factors as a lack of awareness by other agencies of the presence of a Sanctuary; reluctance on the part of an agency to change a project that has already been planned; and/or jurisdictional or competing priorities for different agencies.

### Permits

The NMSP has the authority to issue permits to allow some activities (such as research, education, or special events) that are otherwise prohibited by Sanctuary regulations, but which generally present a public benefit by furthering the management and protection of Sanctuary resources. Permits usually include conditions that are designed to allow the activity but in such a way as to not injure, destroy, or cause the loss of Sanctuary resources. Permit conditions may also be included to minimize user conflict.

### Marine Zoning

Marine zoning is the use of temporal and/or areal restrictions to protect a segment of a Sanctuary. The NMSP has used marine zoning as a management tool for some time, usually on a piecemeal basis when a specific situation in a Sanctuary warranted the use of zones to protect resources (e.g., overflight zones in West Coast Sanctuaries) or manage conflicting uses (e.g., zones for the operation of motorized personal watercraft in the MBNMS). The first large-scale marine zoning plan was implemented in the FKNMS in 1996, but the NMSP expects to make increased use of zoning in the future, particularly with the ongoing development of national guidelines on marine zoning. The system-wide guidelines for marine zoning will include methods and criteria to help determine, designate, and evaluate zones, and identify zoning-

related tools. Even though the national guidelines are under development, sites should conform to the draft guidelines as they are already presented.

### Policy Development

The NMSP conducts strategic and policy planning to provide a framework for the development of plans and policies at both the Sanctuary and system level. While this proactive approach to resource management is best, in reality most policies are developed in response to something that has already become a problem. The simple scale of some issues may seem prohibitive (e.g., fishing impacts), while in other cases the newness of an issue makes response difficult since little information may be available about its impacts (e.g., acoustic research, fiber-optic cable installation). Policies are often used not only to address issues by themselves, but they also provide guidance in the use of other management tools, such as marine zoning, permits, and regulations. Sites should, for complex issues or those with broad national implications, work within the guidelines of national policies that have been or are being developed.

### Sanctuary Advisory Councils

The NMSA provides the authority for the NMSP to establish Sanctuary Advisory Councils (SACs), which are groups of citizens (sometimes including representatives from other government agencies) from the community adjacent to and affected by a Sanctuary. Members represent all segments of the community, including user and environmental groups, academia (both research and education), and business and commercial interests. These SACs have no management authority, but nevertheless form an integral part of the operation of a Sanctuary, providing advice to the Sanctuary Manager and serving as a liaison to the community.

The NMSP, exempted by the NMSA from the requirements of FACA, has established its own procedures and protocols for SAC operations. Such procedures, including establishing a SAC, recruiting and selecting members, and conducting day-to-day operations, are outlined in SAC Charters and in the *Sanctuary Advisory Council Implementation Handbook*.

### Negotiation and Facilitation

An informal method to resolve conflicts is by working with the involved parties to reach some kind of agreement to resolve the conflict. These kinds of agreements assume sufficient trust and compliance from both sides. With the advent of SACs that can serve as a forum for discussion, this kind of agreement may become more likely.

### Partnerships

The NMSP has a broad authority to enter into a variety of partnerships, allowing the NMSP to, among other things, transfer and receive funding, develop agreements with other government agencies and private parties, leverage resources, avoid duplication of effort, and enhance protection of Sanctuary resources. General procedures for entering into various kinds of partnerships are provided by government laws and policies.

### Volunteer Programs

Federal agencies can in general accept volunteer services. The NMSP uses volunteers in many roles, participating in various monitoring programs, providing information as docents, supporting the



## Section VI: Management Tools

operation of an office or visitor's center, or doing "hands-on" tasks such as fish counts or beach cleanups. Volunteers provide invaluable assistance to Sanctuaries and allow a great deal of work to happen that might not otherwise.

The NMSP has developed, often with partners, extensive and specialized training programs for volunteers, as well as ways to help enhance the volunteer experience, including continuing opportunities to learn and gestures of appreciation. The NMSP also has developed procedures and forms for documenting volunteers.

### Education/Outreach

Helping others learn about the resources and value of the marine environment, particularly Sanctuaries, is one of the basic functions of the NMSP. Such educational efforts foster the development of a general marine conservation ethic, but also increase the awareness and commitment of the community toward the marine resources in their own "backyard." Education and outreach products to consider include brochures, newsletters, inventories/directories, books, posters/charts, displays, video, curricula, and websites. An experience may also be considered as a product, so sites should not overlook volunteer opportunities, events, and other interactive experiences.

### Research/Monitoring

The scientific investigation into the natural and cultural resources, processes, and qualities of Sanctuaries not only increases technical knowledge, but it leads toward better decisionmaking on how to protect and conserve Sanctuary resources. The NMSP conducts research but also serves in the role of facilitating research important to the NMSP by working with other government agencies and academic institutions to raise awareness of the existence of Sanctuaries as places to conduct research; providing technical assistance; and providing logistical support for research (e.g., time on NOAA ships). The NMSP also works with others, including volunteers, to develop and maintain programs that monitor the health of the resources of Sanctuaries, as well as how effective a Sanctuary is in protecting those resources.

### Emergency Response, Damage Assessment, and Restoration

The NMSP plans for and responds to natural disasters (e.g., hurricanes) and human-induced events (e.g., oil spills, ship groundings) that have the potential to destroy, cause the loss of, or injure Sanctuary resources. For natural events, NOAA's informal policy is that no restoration efforts will occur. For human-induced events, once an event has been contained, an assessment of the injury to Sanctuary resources is conducted, and restoration and monitoring plans are developed and implemented. The costs of the restoration and monitoring effort, as well as costs of the response and assessment itself, are recovered as much as possible from the responsible party(s). In addition, the responsible party(s) is liable for compensating the public for damages resulting from the lost value of the resources until they recover.

Many NMSP staff have been trained and are experienced in these procedures, but much of this responsibility and ability also resides in other agencies, including the U.S. Coast Guard.

### Revenue Enhancement

The NMSA allows the NMSP to accept monetary and in-kind donations; develop agreements with nonprofit organizations to solicit donations on the NMSP's behalf; develop and market products for sale; and develop and trademark a program logo. The logo—the abstract rendering of a whale's





tail—is used to develop sponsorship agreements with individuals and private corporations, that provide funding or in-kind support back to the NMSP. The NMSP can also enhance appropriated funds through such venues as special use permit fees, but it has not made extensive use of those authorities. Individual Sanctuaries maintain relationships with friends' groups and foundations to help raise awareness and leverage public resources.

### Infrastructure

In the “necessary expense” doctrine, Federal law recognizes that the creation of a program entails the establishment of infrastructure (e.g., basic personnel, facilities, equipment, and procedures) to conduct the operations of that program. In other words, it is in the day-to-day operations of the NMSP where the ability to protect and conserve resides: in the expertise and experience of staff hired to do their jobs, in the presence of staff in offices and on boats, and in the physical and virtual networks of communication and coordination that have been built by staff.

Infrastructure can be considered as a tool for strategy development in two regards: one, to solve an administrative issue or problem, or two, to support the implementation of another strategy, such as by hiring new staff to carry it out or procuring a needed piece of equipment.



## VII. Legal Requirements

### Administrative Procedures Act (APA)

The APA requires that the public know of and be allowed to get involved with agency rulemaking before rules go into effect. Federal agencies propose a rule in the *Federal Register*, solicit public comment, review and consider comments received, and then issue a final rule, also in the *Federal Register*. APA will always be involved in the management plan review process if any regulations are included.

The APA also requires that agencies reach their conclusions by means of “reasoned decisionmaking.” Courts normally uphold an agency’s judgment so long as the agency’s conclusions have a substantial basis in the administrative record and it has considered all relevant factors. The agency must explain how its conclusions are derived from the facts in the record and why it has rejected significant alternative options.

### Americans with Disabilities Act (ADA)

The ADA affects any public meetings held by the NMSP, in that all meeting facilities must make reasonable accommodation for persons with disabilities.

### Coastal Zone Management Act (CZMA)

The CZMA requires that each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner that is, to the maximum extent practicable, consistent with the enforceable policies of the Federally-approved state coastal zone management program. During the consultation process, the Sanctuary will need to submit a consistency determination to the affected State agency (see the model in Appendix 1(F)).

### Congressional Review Act (CRA)

Before final regulations can go into effect, a copy of the final rule and a report describing it must be submitted to both Houses of Congress and to the Comptroller General (see Appendix I(G) for the appropriate form). This requirement provides Congress with the opportunity to review all regulations before they become final. The copy of the final rule and the report can be submitted at the same time that the rule is sent to the *Federal Register* for publication.

### Federal Advisory Committee Act (FACA)

FACA governs the use of advisory committees by the Federal government. While the NMSA specifically exempts SACs from its requirements, FACA could apply in situations where a site is working with a group of individuals (outside of meetings with solely Federal and/or tribal and/or State employees) in an effort to obtain some kind of consensus from that group.

### Magnuson-Steven Fishery Conservation and Management Act (MSFCMA)

This act requires Federal agencies to consult with NMFS regarding any agency action they authorize (e.g., issue permits for), fund, or undertake, that may adversely affect essential fish

habitat (EFH). NMFS should be given at least 60 days notice prior to a final decision on an action, or at least 90 days if the action would result in substantial adverse impacts. Shorter review periods may be agreed to with NMFS provided they allow NMFS sufficient time to develop EFH conservation recommendations, if necessary. EFH consultation can be conducted at the same time ESA section 7 is conducted with NMFS and the USFWS.

#### National Environmental Policy Act (NEPA)

This act requires that any proposal for a major Federal action significantly affecting the human environment must go through an environmental review process as outlined under NEPA and implementing regulations. If an agency is not certain about the level of impact, it can prepare an environmental assessment (EA), a document that leads to one of two possible paths: (1) issuing a Finding of No Significant Impact (FONSI) or (2) preparing an EIS containing a description of the action, alternatives, and impacts; putting a draft EIS out for comment; and then issuing the final EIS after all the comments have been received and considered. The EIS may be combined with a management plan as one document, as long as it meets the requirements of NEPA. If an agency is certain of the need or desire to prepare an EIS, it can bypass the EA step and go directly to the EIS process. Consult with GCOS, and NOAA's Policy and Strategic Planning Office to determine whether an EIS is necessary. A categorical exclusion, in the form of a memorandum to the file, can be prepared for actions that do not have the potential to pose significant impacts (See NOAA Administrative Order 216-6 at <http://www.rdc.noaa.gov/~nao/216-6.html>).

#### National Historic Preservation Act (NHPA)

Section 106 of the NHPA requires that Federal agencies take into account the effects of their activities and programs on historic properties (which are defined as any district, site, building, structure or object that is included in or eligible for inclusion in the National Register of Historic Places) by providing the Advisory Council on Historic Preservation with the opportunity to comment on proposed actions. See Appendix 1(E) for a sample consultation letter.

#### National Marine Sanctuaries Act (NMSA)

The NMSA has requirements in addition to NEPA and APA (see discussions above). Amendments to existing regulations or within the scope of activities in a designation document must comply with the procedures below, but need not activate the procedures outlined in section 304 of the NMSA. Any change in a term of designation (i.e., the Sanctuary's geographic area, its characteristics, and the activities that are subject to regulations) means a Sanctuary must go through the 304 designation procedures to add to or change the terms of its designation. The NMSP must prepare an EIS if the 304 procedures are triggered and must comply with specific requirements at both the draft and final stages. The NMSP must consult with Congressional committees, other Federal agencies, relevant State, tribal, and local governments, and Regional Fishery Management Councils. Before any changes become final, Congress and, if the Sanctuary includes State waters, the Governor have 45 days of continuous session of Congress to review the designation.

#### Paperwork Reduction Act (PRA)

If a Sanctuary is attempting any project or issuing a regulation that may impose an information collection requirement (such as a public survey or a questionnaire distributed to users), the requirement must be reviewed and approved by the Office of Management and Budget. Such reviews should be coordinated through NOAA's PRA officer (also see <http://www.rdc.noaa.gov/~pra/index.html>).

### Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act requires Federal agencies to consider the effects of their regulatory actions on small businesses and other small entities, and to minimize any undue disproportionate burden. If the regulations will have a significant economic impact on a substantial number of small businesses, then a Sanctuary will have to prepare initial (IRFA) and final regulatory flexibility analyses (FRFA). The initial analysis must describe the impact of any proposed rule(s) on small entities and address:

- why the agency is considering regulatory action;
- the objectives and legal basis for the proposed rule(s);
- the number and kind of small entities to which the proposed rule(s) would apply;
- projected reporting and other compliance requirements of the rule(s);
- all Federal rules that may duplicate, overlap, or conflict with the proposed rule(s);
- a description of alternatives to the proposed rule(s) that would minimize the impact on small entities; and
- a summary of advantages and disadvantages of the alternatives.

The IRFA or a summary of it must be published in the *Federal Register* along with the proposed rule. After the comment period on the proposed rule is closed, the agency must prepare a FRFA, which is required to:

- summarize the issues raised by public comments on the initial analysis and NOAA's assessment of those issues;
- describe and estimate the number of small entities to which the rule will apply (or explain why no estimate is available);
- describe the actions taken by NOAA to minimize the economic impact on small entities;
- give the factual, policy, and legal reasons for selecting the alternative(s) adopted in the final rule(s); and
- explain why other alternatives were rejected.

### Executive Order 12866 Cost-Benefit Analysis

Under Executive Order 12866, if a rule is determined to be significant, then a socioeconomic impact study (i.e., assessment of the costs and benefits of the regulatory action) must be conducted. Under 12866 a regulatory action is significant if the rule may:

- have an annual effect on the economy of \$100 million or more or adversely affecting in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- materially alter the budgetary impacts of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or
- raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

### Executive Order 13132 Federalism

Under Executive Order 13132, each agency must consult, to the extent practicable and permitted by law, with State and local officials early in the process of developing proposed regulations. These consultations should seek comment on the compliance costs or preemption, as appropriate to the nature of the rulemaking under development.

When an agency submits a draft final regulation to OMB for review under Executive Order 12866 prior to promulgation of the final regulation, the agency must include a separately identified portion of the preamble to the regulation as a “federalism summary impact statement” that must include:

- a description of the extent of the agency's prior consultation with State and local officials;
- a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation; and
- a statement of the extent to which the concerns of State and local concerns have been met.

In addition, when submitting a draft final regulation to OMB for review, each agency must provide a copy of any formal policy-related correspondence from State and local officials, and must, on request, make available a copy of any other written communications submitted to the agency by State and local officials.



## VIII. Appendices

### Appendix I: Models

#### A: Management Plan Elements and Formats

##### Elements

The following provides a general outline for what the management plan should contain. It is adaptable for site-specific needs and is also designed to meet the NMSP's obligations under NEPA and NMSA. *NOTE: Italicized sections indicate those that are necessary for an EIS.*

#### I. Executive Summary (5-10 pages)

- *Preparers and acknowledgments*
- *What the management plan is and will do*
- How the management plan was developed (briefly)
- What the next steps are

#### II. Introduction (10-15 pages)

- What the National Marine Sanctuary Program is
- What management plan reviews are
- How management plan reviews are done
- How this draft management plan was developed (in detail)

#### III. \_\_\_\_\_ National Marine Sanctuary (*Affected Environment* including the resource assessment with consultations as appropriate as required under § 303(b)(3) of NMSA) (10-15 pages)

- Site history (administrative (e.g., designation,) and environmental changes)
- Resources/habitats/qualities
- Present and potential uses of the site

#### IV. *Management Plan/Preferred Alternative* (this is the five-year plan that will guide the Sanctuary until its next review) (25-50 pages)

- Overview of Management Plan, with a statement of purpose, rationale, goals, and objectives
- Action plan for each action listed in the management plan, including necessary steps, time table, location, responsible parties, known implementation costs, implementation resources, issues, and a list of related actions.

#### V. Alternatives to the Management Plan

#### VI. *Environmental and Socioeconomic Consequences of Alternatives*

#### VII. Appendices

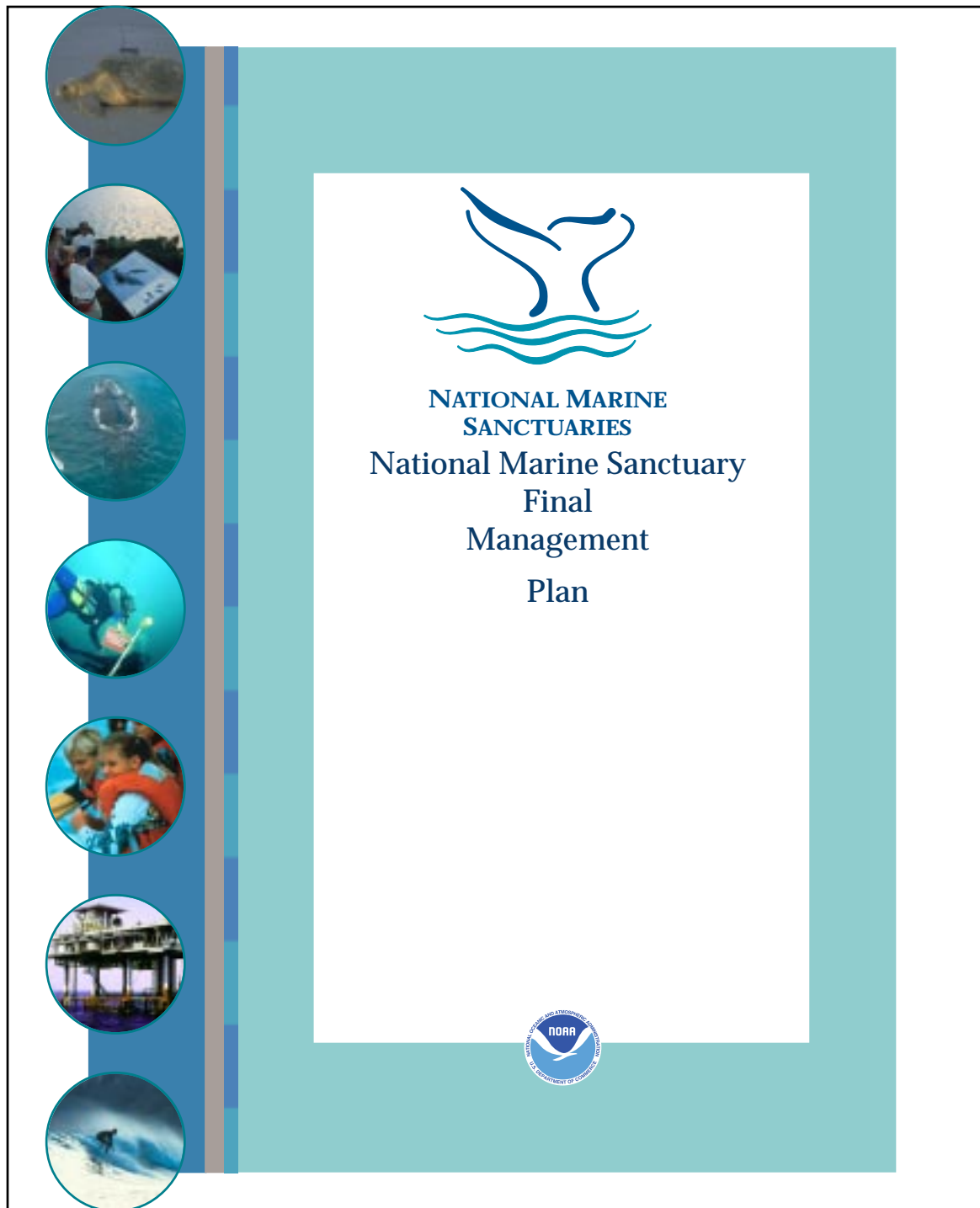
- Acronyms
- References
- *Recipients*
- Comments and Responses (for FMP/FEIS)

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### Formats

The following pages contain sample layouts for the cover (Figure 6) and interior pages (Figure 7) of a management plan. While sites should adapt these formats for their needs, efforts should be made to try and keep the look as consistent as possible to help enhance the NMSP's common identity. A mock-up of the entire management plan follows as Figure 8. Figure 9 shows the mock-up of an individual action plan. Again, these can be adapted to site needs but a certain level of consistency across the system must be maintained.

Figure 6 Management Plan Cover Layout: This figure shows a mock-up of the cover of the EIS and/or management plan. The circular pictures at the left would be specific to each site. The cover is designed to be printed in color, and its "look" is consistent with the common appearance of the NMSP. Cover fonts and wording may be adapted to each site.





## Management Plan Elements and Formats

Figure 7 Management Plan Interior Layout: This figure shows a mock-up of the interior pages of the management plan. The pages are designed to be printed in black and white, and their “look” is consistent with the corporate appearance of the NMSP. Interior fonts and styles are to be determined by the site.

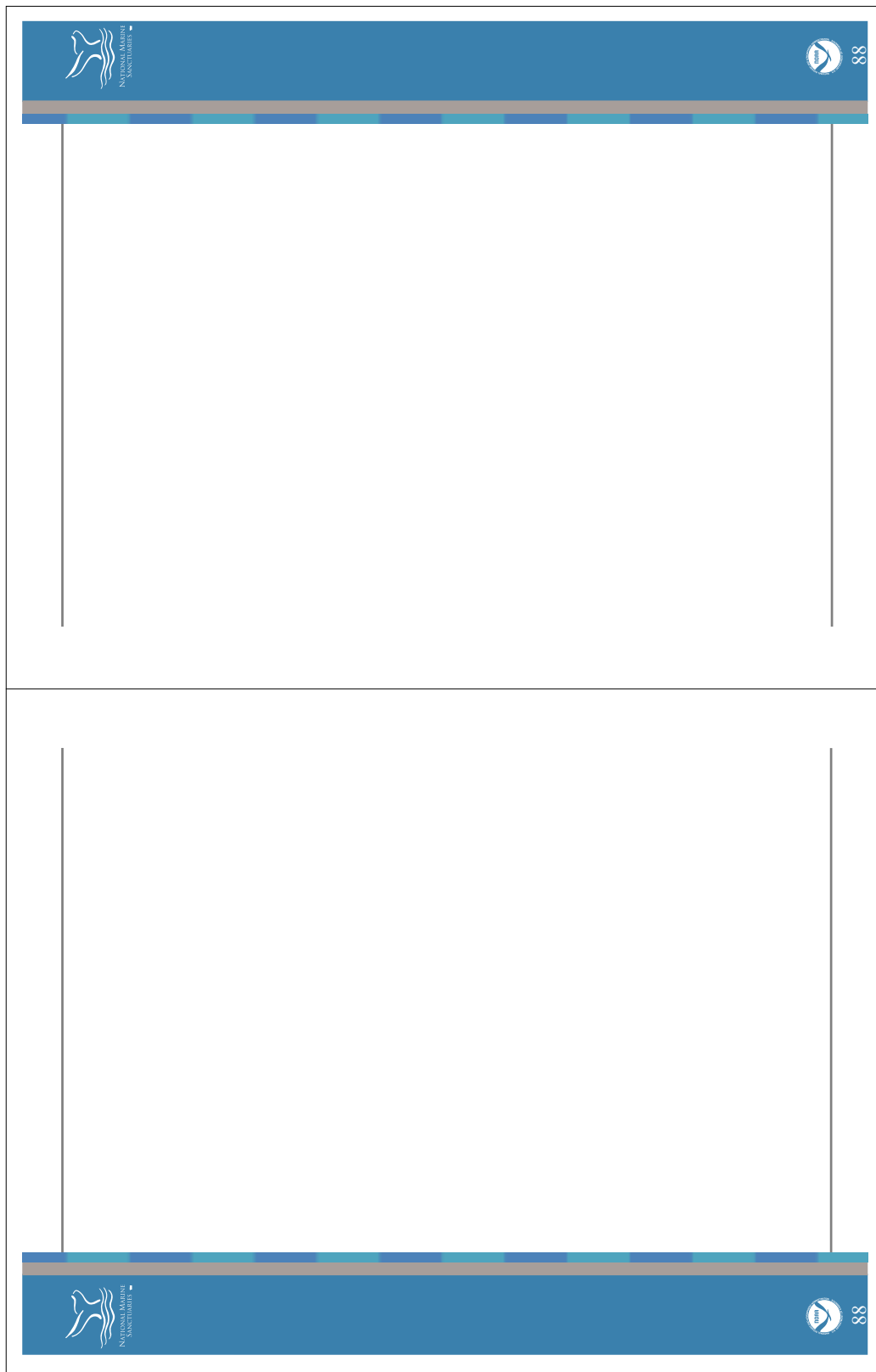


Figure 8: Management Plan Mock-up.

# Marine Sanctuaries Management Plan Proposed Layout

September 2001

XYZ National Marine Sanctuary  
Management Plan



cover

About this Document



Acknowledgements



Contact/Office



inside cover

*XYZ National Marine Sanctuary  
Management Plan*

*Septemeber 2001*

*XYZ NMS  
National Marine Sanctuary Program  
NOAA*

title page

## Executive Summary

This document  
contains...

Sanctuary  
characteristics  
(size, species,  
habitats,  
socioeconomics,  
etc.)

Purpose

i

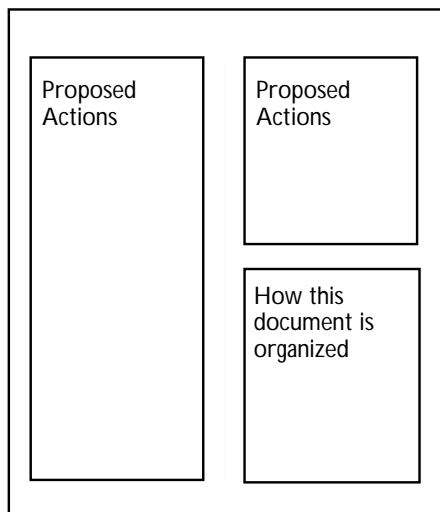
Sanctuary  
characteristics  
(size, species,  
habitats,  
socioeconomics,  
etc.)

Proposed  
Actions

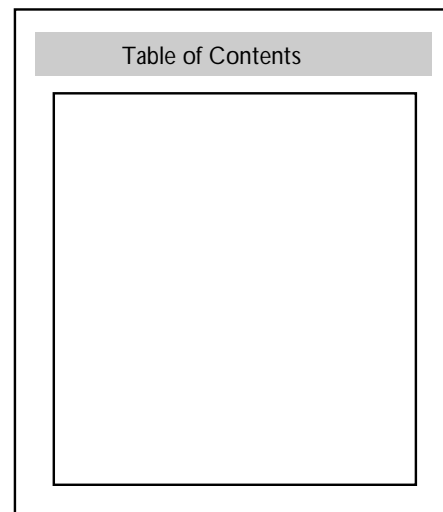
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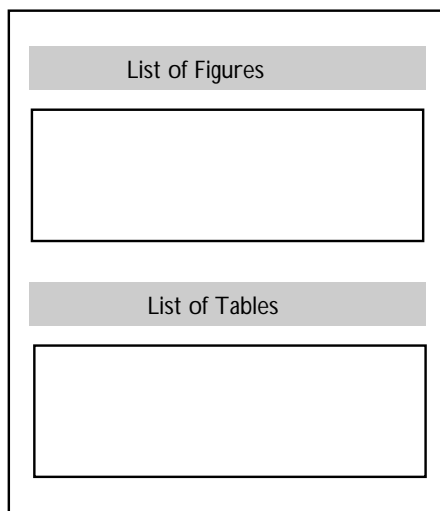
NATIONAL MARINE  
SANCTUARIES



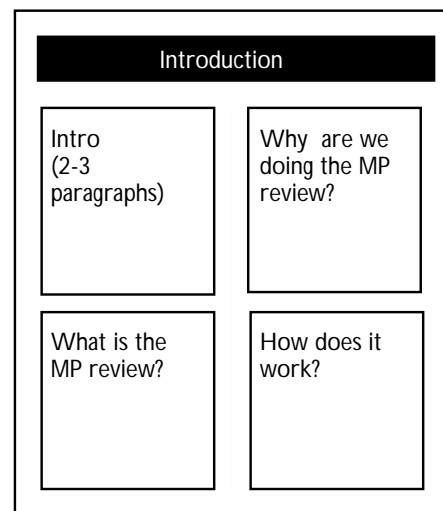
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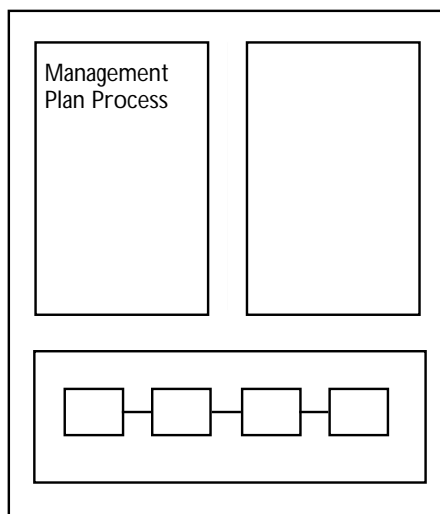
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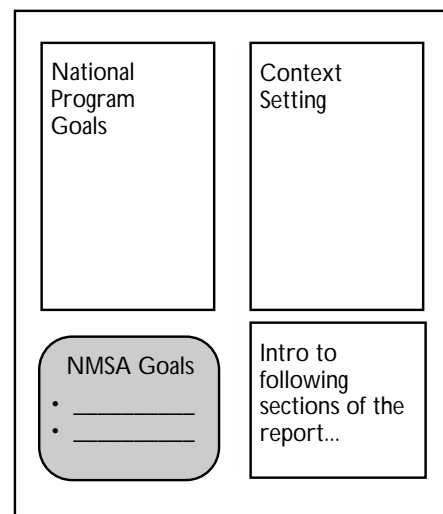
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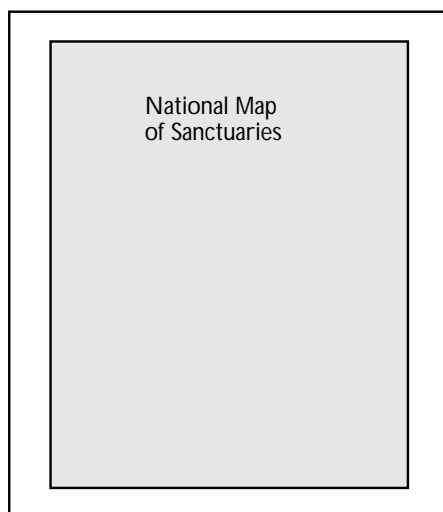
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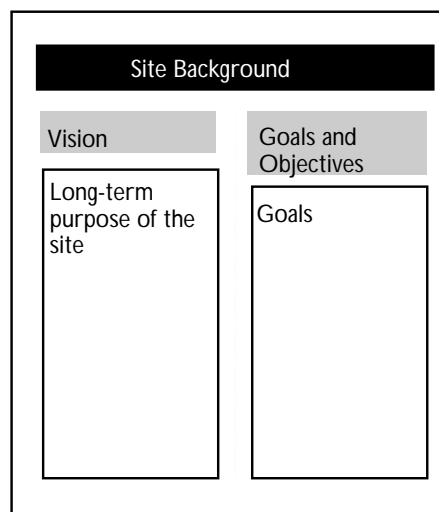
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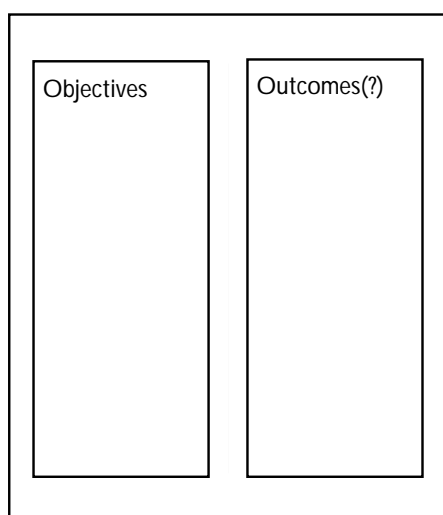
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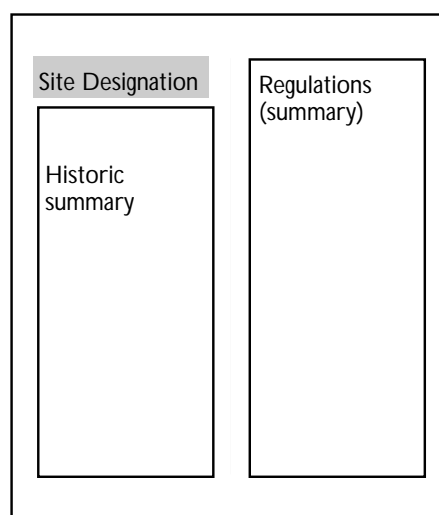
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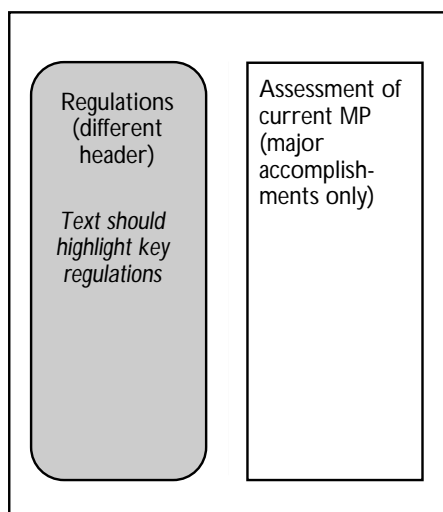
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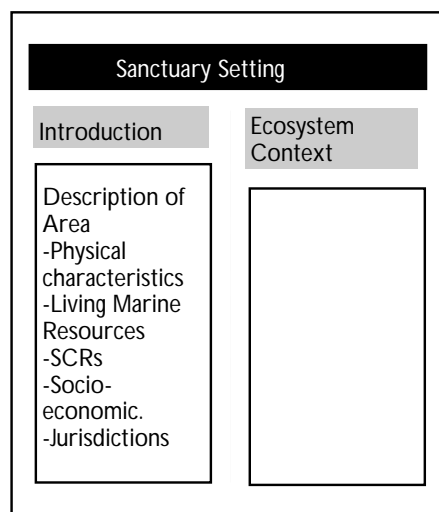
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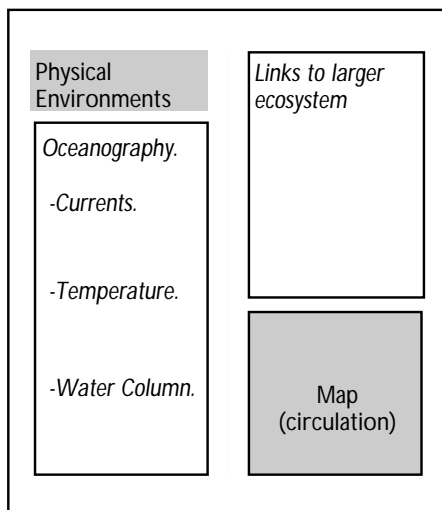
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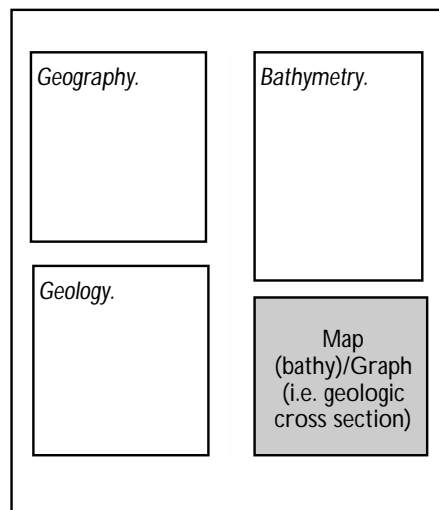
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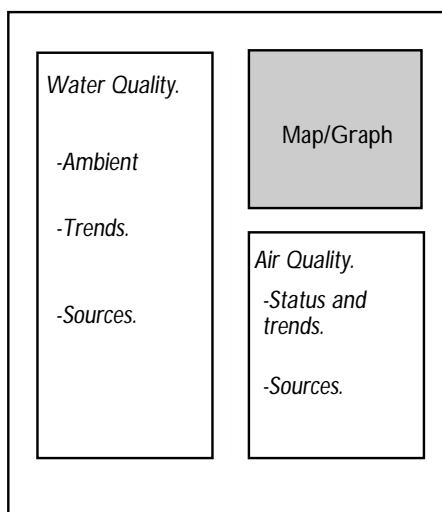
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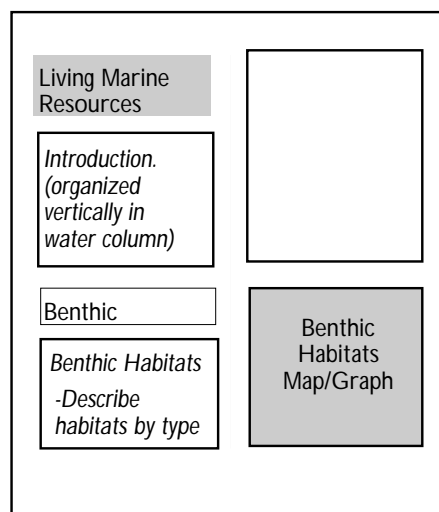
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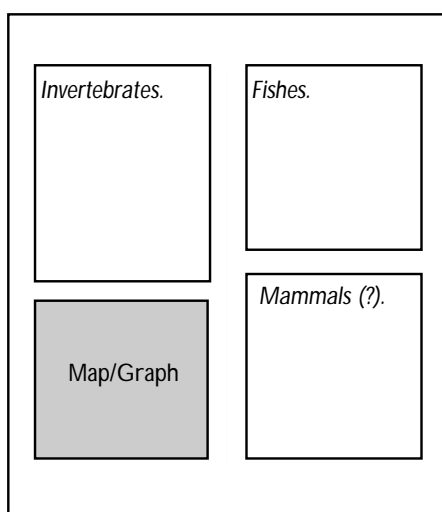
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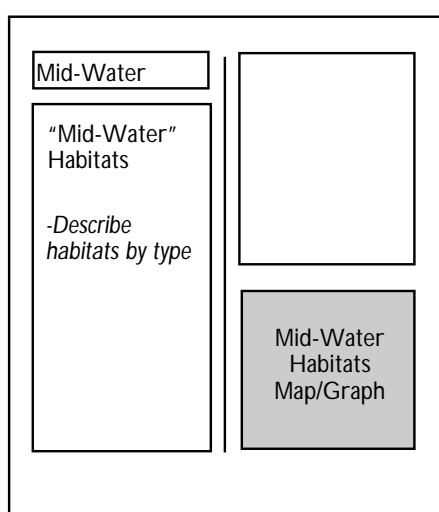
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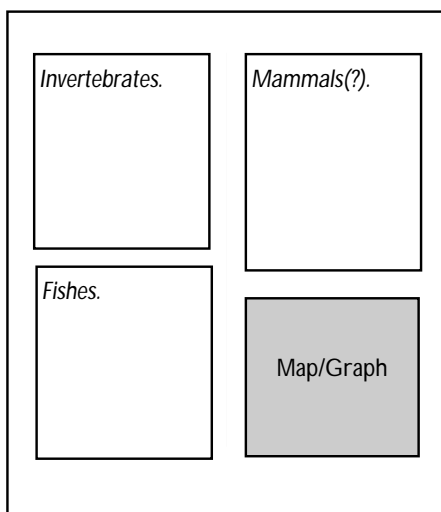


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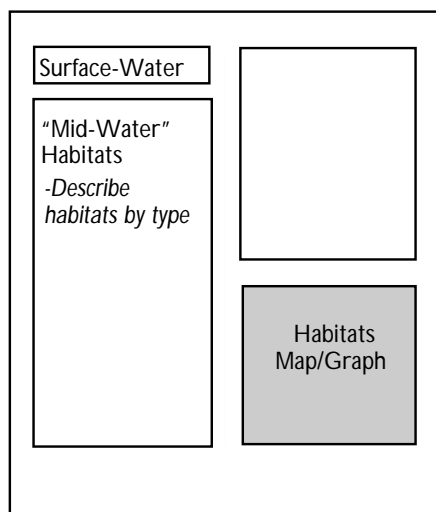


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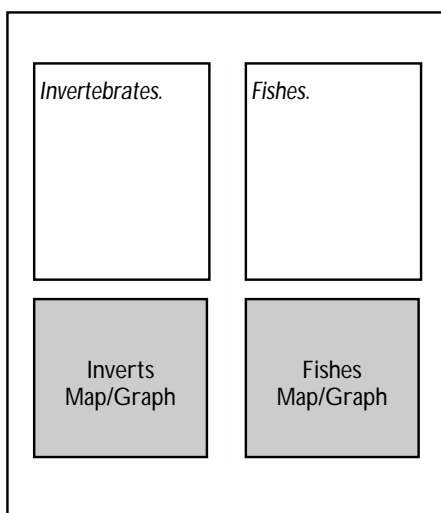




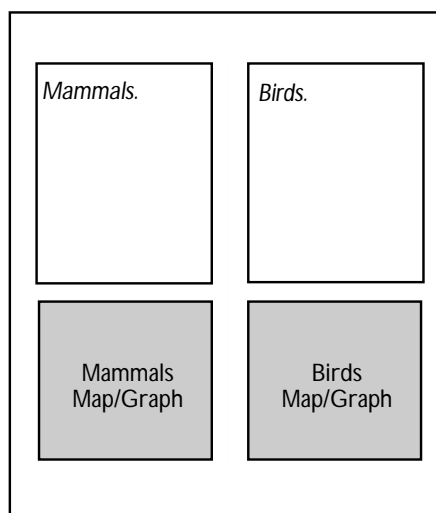
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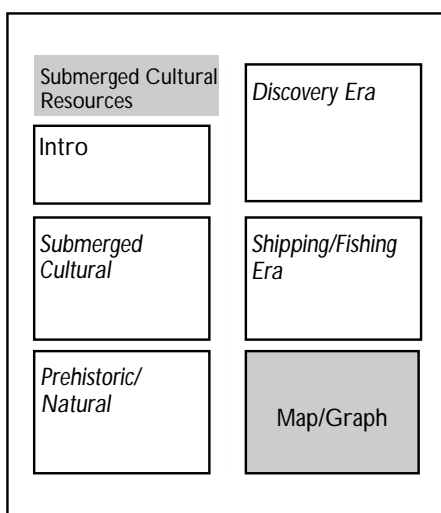
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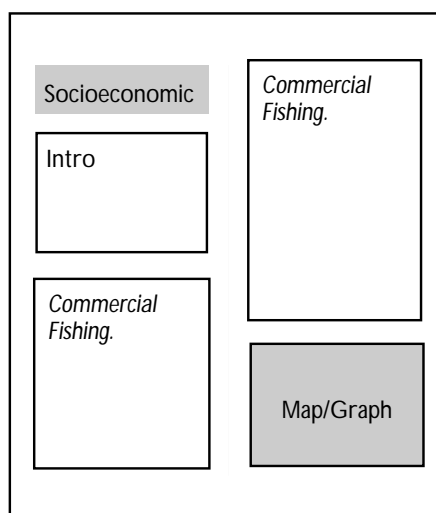
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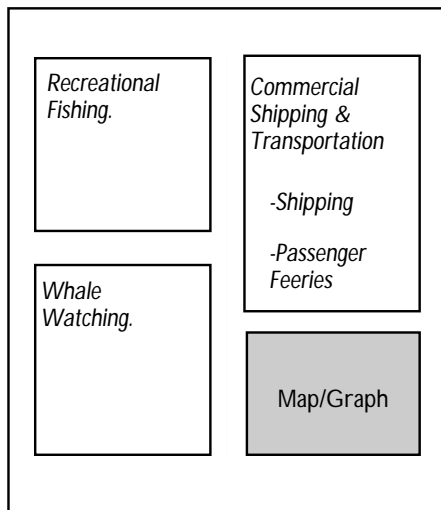


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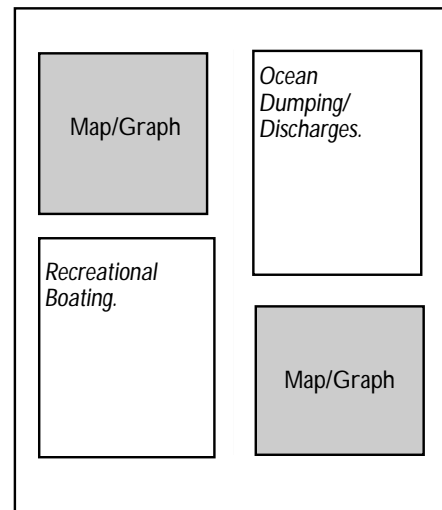


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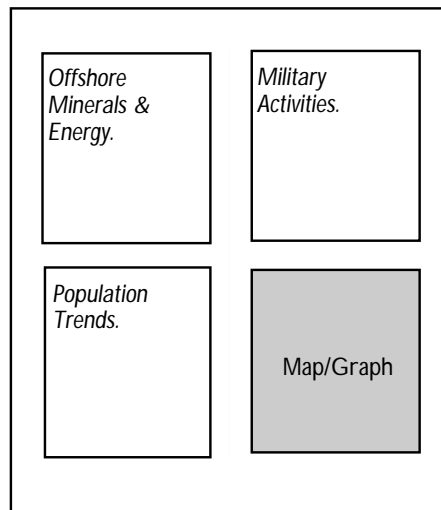




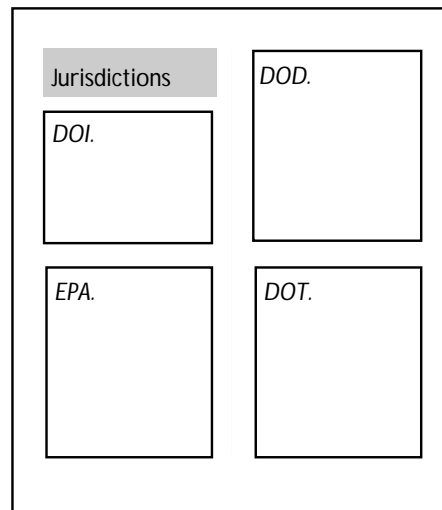
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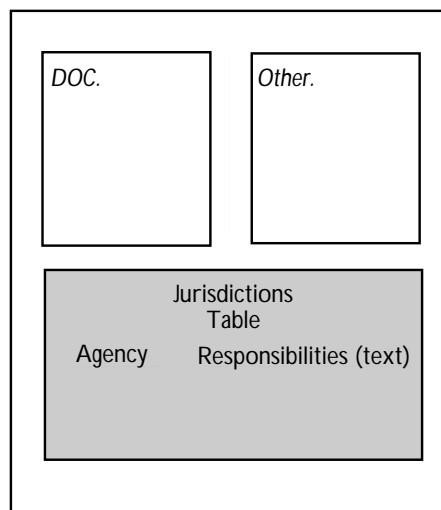
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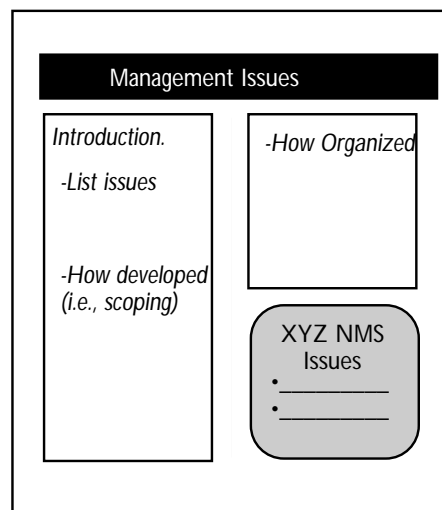
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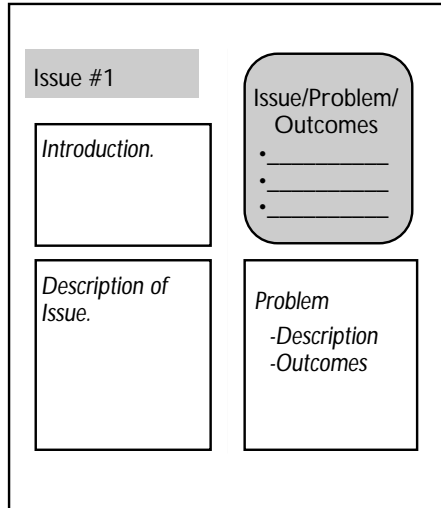
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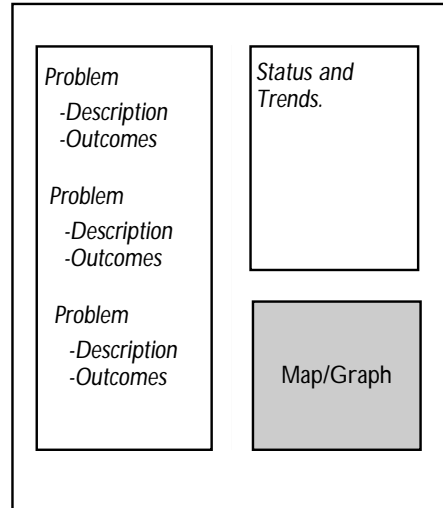
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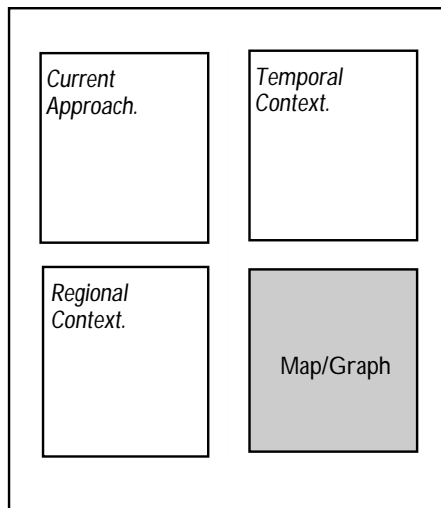
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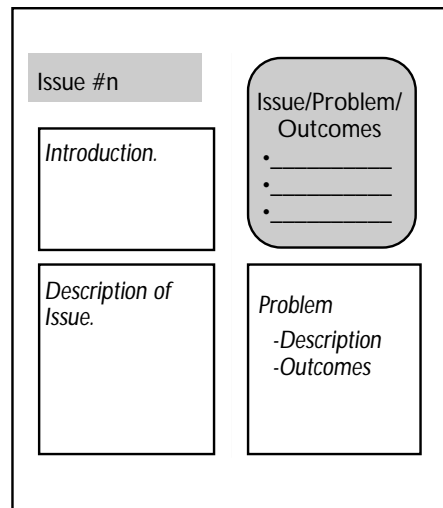
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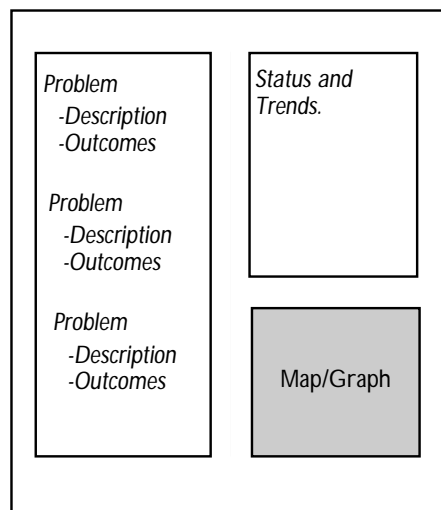


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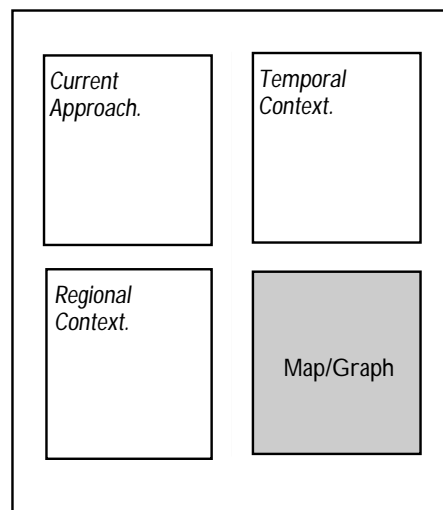
repeat for all issues

31



repeat for all issues

32



repeat for all issues

33-48(?)



Action Plans	
<p><i>Introduction.</i></p> <p><i>Summarize by Action Plan.</i></p>	<div> <p>Action Plans</p> <ul style="list-style-type: none"> <li>• _____</li> <li>• _____</li> </ul> </div> <div> <p>Measuring Performance</p> <ul style="list-style-type: none"> <li>• Why?</li> <li>• How</li> </ul> </div>

49

<p>Action Plan #1</p> <p>Issue/Outcome Statements</p> <p>Introduction</p> <p>-What</p>	<p>-Why</p> <p>-How</p> <p>- Performance Measures</p>
----------------------------------------------------------------------------------------	-------------------------------------------------------

50

List of Problems, Outcomes, & Strategies (list of all strategies in AP)	
Problem: _____	Problem: _____
Outcome: _____	Outcome: _____
Strategies: _____	Strategies: _____
Problem: _____	Problem: _____
Outcome: _____	Outcome: _____
Strategies: _____	Strategies: _____

51

Schedule	-text								
-text	-text								
<table border="1"> <thead> <tr> <th>Strategy</th> <th>Year</th> </tr> </thead> <tbody> <tr> <td>#1</td> <td>_____</td> </tr> <tr> <td>#2</td> <td>_____</td> </tr> <tr> <td>#n</td> <td>_____</td> </tr> </tbody> </table>	Strategy	Year	#1	_____	#2	_____	#n	_____	
Strategy	Year								
#1	_____								
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#n	_____								

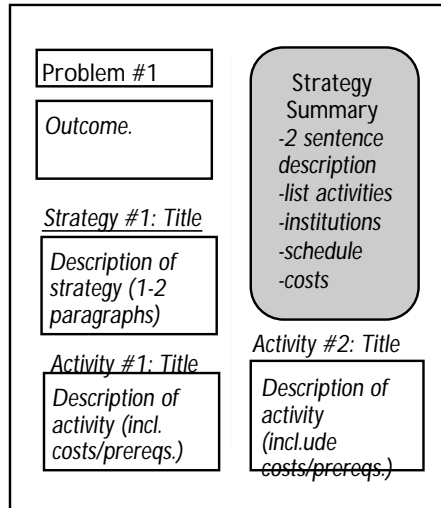
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Resource Requirements	-text																
-text																	
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Strategy	Funds\$	Time	Other														
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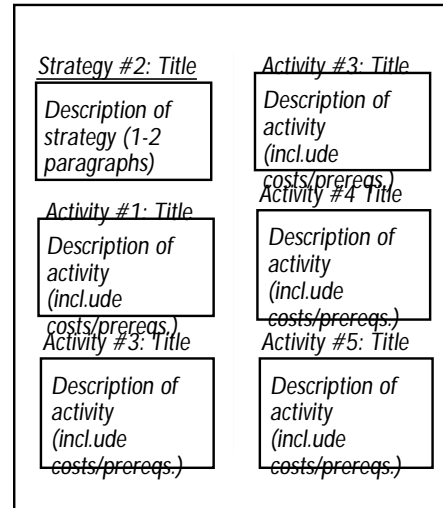
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Institutional Involvement	-text																				
-text																					
<table border="1"> <thead> <tr> <th>Strategy</th> <th>Fed</th> <th>State</th> <th>Local</th> <th>NGO</th> </tr> </thead> <tbody> <tr> <td>#1</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>#2</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>#n</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Strategy	Fed	State	Local	NGO	#1					#2					#n					
Strategy	Fed	State	Local	NGO																	
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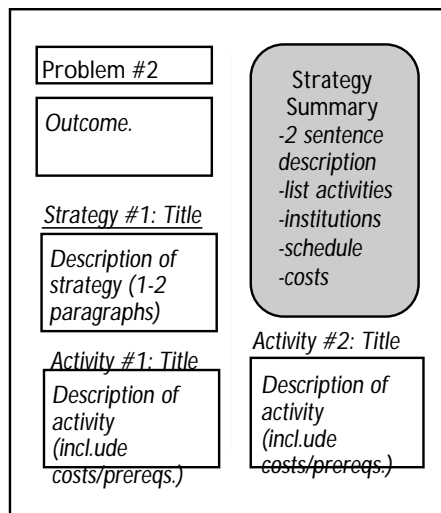
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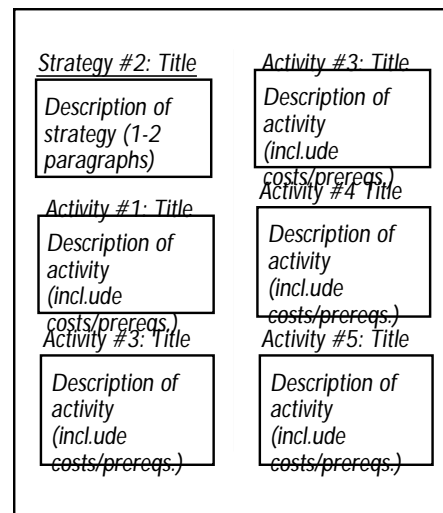
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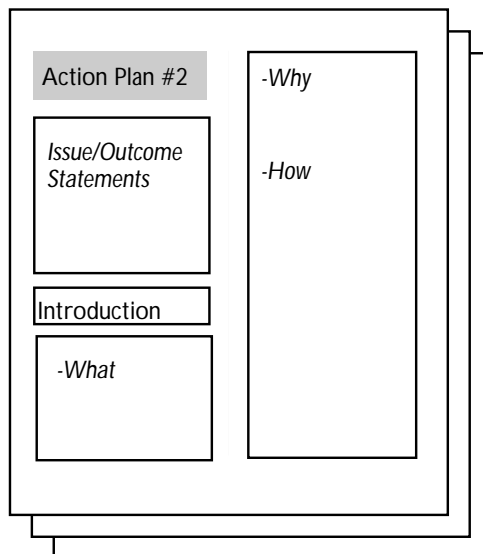
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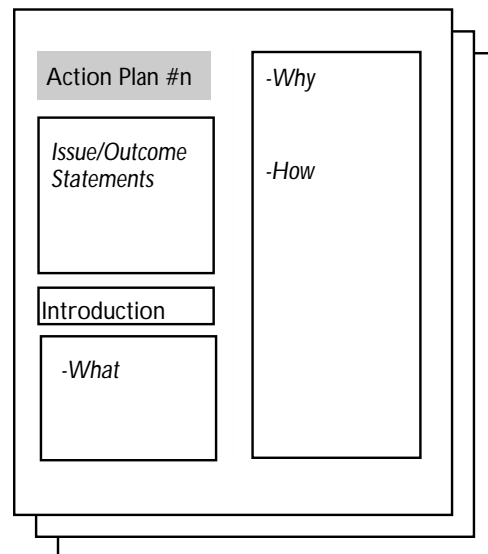


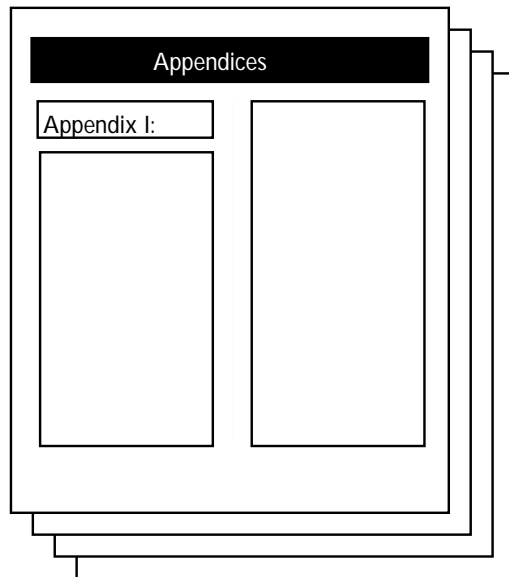
58



59-?

continue same layout in remaining action plans



Appendices

- Regulations
- Acronyms
- Legislation (National + Site)
- Bibliography
- Response to Comments
- List of Preparers
- Agency Structure (graphic)
- MOAs/MOUs
- Existing Legislative Authorities

Figure 9: Action Plans Mock-up.

**TITLE: "X" Action Plan (Issue)**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**DESIRED OUTCOME STATEMENTS**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

**INTRODUCTION/  
SUMMARY of PLAN**

• What?

• Why?

• How?

*Section 1*

Action Plan "X"

**LIST OF PROBLEMS, OUTCOMES  
& STRATEGIES**

Problem: \_\_\_\_\_

Desired Outcome: \_\_\_\_\_

• Strategy 1:

• Strategy 2:

• Strategy n:

Problem: \_\_\_\_\_

Desired Outcome: \_\_\_\_\_

• Strategy 1:

• Strategy 2:

• Strategy n:

*Section 2*

**PROPOSED SCHEDULE**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Table**

Strategy	Year
#1	_____
#2	_____
#n	_____

*Section 3*

Action Plan "X"


	\$	time	etc.
stgy			

- travel
- contracts
- ADP equipment
- supplies
- source of funding
- printing/ mailing

Action Plan "X"

Section 7



NATIONAL MARINE  
SANCTUARIES

102

B: Issue and Strategy Templates***Issue Template***

**Issue Title:** \_\_\_\_\_

**1. Issue Description:**

**2. Problem Statements**

**A:**

**n:**

**Problem Statement A:**

**Synopsis:**

**Status and Trends:**

**Players:**

- managers
- impactors

**Current Sanctuary Approach:**

**Regional/Temporal Context:**

**Potential Outcomes:**

**Potential Strategies:**

**Problem Statement n:**

**Synopsis:**

**Status and Trends:**

**Players:**

- managers
- impactors

**Current Sanctuary Approach:**

**Regional/Temporal Context:**

**Potential Outcomes:**

**Potential Strategies:**



## *Strategy Template*

**Strategy Title:**

---

**Issue(s):**

---

**Problem Statement(s):**

---

**Outcome(s):**

---

**Author(s):**

---

***Type of Action:***

☐ Research

☐ Administrative

☐ Monitoring

☐ Regulatory

☐ Economic

☐ Assessment

☐ Educational

☐ Other \_\_\_\_\_

***1. Description:***

**What:**

**Why:**

**2. Activities for Implementing Strategy (steps):**

•

•

•

•

**3. Cost:****Summary:****One Time (Start up)**

- ☐ less than \$10,000  
☐ \$10,000 to \$50,000  
☐ \$50,000 to \$100,000  
☐ \$100,000 to \$500,000  
☐ more than \$500,000

**Annual O & M**

- ☐ less than \$10,000  
☐ \$10,000 to \$50,000  
☐ \$50,000 to \$100,000  
☐ \$100,000 to \$500,000  
☐ more than \$500,000

**4. Schedule:****Summary:****Activity****Months to Complete**

- 
- 
- 
- 
- 
- 

**5. Spatial Coverage:****6. Who Implements:****7. Performance Measures:**

C: Federal Register NoticesNotice of Intent

A Notice of Intent is used to officially let the public know that the site is about to undertake a review and possible revision of its management plan. The notice may also be used to:

- request public comment;
- schedule scoping meetings; and
- lay out initial thoughts and ideas (with some provisos).

3510-08

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

15 CFR Part 922

Initiation of Review of Management Plan/Regulations of the  
*Name* National Marine Sanctuary; Intent to Prepare Draft Environmental Impact Statement and Management Plan; Scoping Meetings

**AGENCY:** National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

**ACTION:** Initiation of review of management plan/regulations; intent to prepare environmental impact statement; scoping meetings.

**SUMMARY:** The *Name* National Marine Sanctuary (\_\_NMS or Sanctuary) was designated in date, and consists of *brief description of site*. The present management plan for the Sanctuary was completed in year. In accordance with Section 304(e) of



the National Marine Sanctuaries Act, as amended, (NMSA) (16 U.S.C. 1431 et seq.), the National Marine Sanctuary Program (NMSP) of the National Oceanic and Atmospheric Administration (NOAA) is initiating a review of the management plan, to evaluate substantive progress toward implementing the goals for the Sanctuary, and to make revisions to the plan and regulations as necessary to fulfill the purposes and policies of the NMSA.

The proposed revised management plan will likely involve changes to existing policies and regulations of the Sanctuary, to address contemporary issues and challenges, and to better protect and manage the Sanctuary's resources and qualities. The review process is composed of four major stages: information collection and characterization; preparation and release of a draft management plan/environmental impact statement, and any proposed amendments to the regulations; public review and comment; preparation and release of a final management plan/environmental impact statement, and any final amendments to the regulations. NOAA anticipates completion of the revised management plan and concomitant documents will require approximately eighteen to twenty-four months.

NOAA will conduct public scoping meetings to gather information and other comments from individuals, organizations, and government agencies on the scope, types and significance of issues related to the Sanctuary's management plan and regulations. The scoping meetings are scheduled for *dates*, as detailed below.



**DATES:** Written comments should be received on or before *date*.

Scoping meetings will be held at:

- (1) *date, time, location*
- (2) *date, time, location*
- (3) *date, time, location*

**ADDRESSES:** Written comments may be sent to the *Name* National Marine Sanctuary (Management Plan Review), *address*. Comments will be available for public review at the same address.

Scoping meetings will be held at:

- (1) *street address*
- (2) *street address*
- (3) *street address*

**FOR FURTHER INFORMATION CONTACT:** *name, phone number, e-mail address*.

Authority: 16 U.S.C. Section 1431 et seq.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Date*

Assistant Administrator for  
Ocean Services and Coastal Zone Management



Adding Scoping Meetings

An “Adding Scoping Meetings” notice is used to officially notify the public if new scoping meetings have been added since the original notice was given. This notice may also extend the public comment period.

3510-08

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

15 CFR Part 922

Initiation of Review of Management Plan/Regulations of the  
*Name* National Marine Sanctuary; Intent to Prepare Draft Environmental Impact Statement and Management Plan; Scoping Meetings

**AGENCY:** National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

**ACTION:** Scoping meetings.

**SUMMARY:** The *Name* National Marine Sanctuary (\_\_NMS or Sanctuary) was designated in date, and consists of *brief description of site*. The present management plan for the Sanctuary was completed in year. In accordance with Section 304(e) of the National Marine Sanctuaries Act, as amended, (NMSA) (16 U.S.C. 1431 et seq.), the National Marine Sanctuary Program (NMSP) of the National Oceanic and Atmospheric Administration (NOAA) is initiating a review of the management plan, to



evaluate substantive progress toward implementing the goals for the Sanctuary, and to make revisions to the plan and regulations as necessary to fulfill the purposes and policies of the NMSA.

The proposed revised management plan will likely involve changes to existing policies and regulations of the Sanctuary, to address contemporary issues and challenges, and to better protect and manage the Sanctuary's resources and qualities. The review process is composed of four major stages: information collection and characterization; preparation and release of a draft management plan/environmental impact statement, and any proposed amendments to the regulations; public review and comment; preparation and release of a final management plan/environmental impact statement, and any final amendments to the regulations. NOAA anticipates completion of the revised management plan and concomitant documents will require approximately eighteen to twenty-four months. NOAA has already conducted # public scoping meetings (as announced in the notice in \_\_ FR \_\_\_\_ ) to gather information and other comments from individuals, organizations, and government agencies on the scope, types and significance of issues related to the Sanctuary's management plan and regulations. Because of reason, NOAA has decided to conduct # additional scoping meetings.

**DATES:** Written comments should be received on or before date.



Scoping meetings will be held:

- (1) *date, time, location*
- (2) *date, time, location*
- (3) *date, time, location*

**ADDRESSES:** Written comments may be sent to the Gray's Reef National Marine Sanctuary (Management Plan Review), 10 Ocean Science Circle, Savannah, Georgia 31411. Comments will be available for public review at the same address.

Scoping meetings will be held at:

- (1) *street address*
- (2) *street address*
- (3) *street address*

**FOR FURTHER INFORMATION CONTACT:** *name, phone number, e-mail address.*

Authority: 16 U.S.C. Section 1431 et seq.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

\_\_\_\_\_  
Name Date  
Assistant Administrator for  
Ocean Services and Coastal Zone Management





Advance Notice of Proposed Rulemaking

An Advance Notice of Proposed Rulemaking is an optional document that is used to:

- let the public know that the site is considering a new regulation; and/or
- gather additional information by asking specific questions and requesting comments from the public.

3510-08

**DEPARTMENT OF COMMERCE****NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

15 CFR Part 944

[ Docket No.]

RIN 0648-AI06

*Title of Action*

**AGENCY:** National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Advance notice of proposed rulemaking; request for comments.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) is considering *action*. This advance notice of proposed rulemaking (ANPR) discusses the reasons NOAA is considering *action*. NOAA is issuing this ANPR specifically to invite advice, recommendations, information and other comments from interested parties.

**DATES:** Comments must be received by (insert date 30 days after publication in the Federal Register).



**ADDRESSES:** Comments should be sent to *name* at *address*. Comments will be available for public inspection at the same address.

**FOR FURTHER INFORMATION CONTACT:** *name, phone number, e-mail.*

**SUPPLEMENTARY INFORMATION:**

*Background on action*

NOAA is seeking advice, recommendations, information and other comments, with reasons, on whether NOAA should *action*.  
*List specific questions or subjects on which people should comment.*

**Executive Order 12866**

For purposes of Executive Order 12866, this advance notice of proposed rulemaking is determined to be not significant.

**List of Subjects in 15 CFR Part 944**

Administrative practice and procedure, Coastal zone, Education, Environmental protection, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

Federal Domestic Assistance Catalog Number 11.429

Marine Sanctuary Program



NATIONAL MARINE  
SANCTUARIES

---

*Name*

---

Date

Assistant Administrator  
for Ocean Services and Coastal Zone Management

Proposed Rule

A Proposed Rule notifies the public of a new regulation that the site intends to enact; invites public comment; and schedules a public hearing, if so desired. The Proposed Rule may also lay out the major provisions of the draft management plan.

3510-08

**DEPARTMENT OF COMMERCE****NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

15 CFR Part 922

[ Docket No.]

RIN 0648-AI06

*Title of Action*

**AGENCY:** National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Proposed rule; notice of public availability of draft environmental impact statement/draft management plan.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) is proposing to *action*. NOAA is issuing this proposed rule to provide notice to the public and invite advice, recommendations, information, and other comments from interested parties on the proposed rule and Draft Environmental Impact Statement/Draft Management Plan (DSEIS/DMP). A public hearing will be held; a separate notice of the date and time will be published.

**DATES:** Comments must be received by (insert date 60 days

after publication in the Federal Register).

**ADDRESSES:** Comments should be sent to *name* at *address*. Comments will be available for public inspection at the same address. Copies of the DSEIS/DMP are available from the same address.

**FOR FURTHER INFORMATION CONTACT:** *name, phone number, e-mail address*.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*background on action and steps taken to date (e.g., issuing ANPR)*

**II. Comments and Responses (if applicable)**

(1) **Comment:**

**Response:**

(2) **Comment:**

**Response:**

**III. Summary of the Proposed Regulatory Amendment**

**IV. Miscellaneous Rulemaking Requirements**

National Marine Sanctuaries Act

Section 304(a)(4) of the National Marine Sanctuaries Act, 16 U.S.C. 1434(a)(4), provides that the terms of designation may be modified only by the same procedures by which



the original designation is made. Designations of National Marine Sanctuaries are governed by sections 303 and 304 of the NMSA, 16 U.S.C. 1433, 1434. Section 304 requires the preparation of an environmental impact statement, State consultation, at least one public hearing, and gubernatorial non-objection to the proposal as it pertains to State waters within the Sanctuary.

Section 304 of the NMSA also requires the Secretary to submit to the appropriate Congressional Committees, on the same day this notice is published, documents, including an executive summary, consisting of the terms of the proposed designation (or in this case, change thereof), the proposed regulations and the draft environmental impact statement/draft management plan. In accordance with section 304, the required documents are being submitted to the appropriate Congressional Committees.

#### National Environmental Policy Act

When changing a term of designation of a National Marine Sanctuary, section 304 of the NMSA, 16 U.S.C. 1434, requires the preparation of a draft environmental impact statement (DEIS), as provided by the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., and that the DEIS be made available to the public. NOAA has prepared a draft supplemental environmental impact statement/draft management plan on the proposal. The DSEIS/DMP is available at the addresses listed in the Address section of this proposed rule.



Executive Order 12866: Regulatory Impact

NOAA has concluded that this regulatory action is not significant within the meaning of section 3(f) of Executive Order 12866 because it will not result in:

(1) An annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, productivity, competition, jobs, the environment, or public health and safety; (2) A serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) A material alteration of the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of such recipients; or

(4) Novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Executive Order 12612: Federalism Assessment

NOAA has concluded that this regulatory action does not have sufficient federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

Regulatory Flexibility Act

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration as follows:

*text from certification memo*

Accordingly, a Regulatory Flexibility Analysis was not prepared.

#### Paperwork Reduction Act

This proposed rule would not impose an information collection requirement subject to review and approval by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3500 et seq.

#### List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Education, Environmental protection, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

(Federal Domestic Assistance Catalog Number 11.429  
Marine Sanctuary Program)

Name	Date
Assistant Administrator for Ocean Services and Coastal Zone Management	

Accordingly, for the reasons set forth above, 15 CFR Part 922 is proposed to be amended as follows:

#### **PART 922—[AMENDED]**

1. The authority citation for Part 922 continues to read as follows:





**Authority:** 16 U.S.C. 1431 et seq.

2. *other regulatory changes*

Final Rule

A Final Rule notifies the public of a new regulation that the site has enacted; responds to public comment; and provides a date by which the rule become effective (if the 45-day Congressional review period is not needed). The Final Rule may also lay out the major provisions of the Final Management Plan.

3510-08

**DEPARTMENT OF COMMERCE****NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

15 CFR Part 922

[ Docket No.]

RIN 0648-AI06

*Title of Action*

**AGENCY:** National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Final rule; notice of public availability of final environmental impact statement/final management plan.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) is *action*.

**DATES:** Congress and the Governor of the State of *State* have forty-five days of continuous session of Congress beginning on the day on which this document is published to review the *document*. After the forty-five day review period, the *document* automatically becomes final and takes effect, unless the Governor certifies within the forty-five day period to the

Secretary of Commerce that the *document* is unacceptable. In such case, the *document* cannot take effect in the area of the Sanctuary lying within the seaward boundary of the State of *State*, and the original *document* shall remain in effect. NOAA will publish in the *Federal Register* a notice of effective date following the forty-five day review period.

**ADDRESSES:** Copies of the Final Environmental Impact Statement/Final Management Plan supporting this action may be obtained from *name* at *address*.

**FOR FURTHER INFORMATION CONTACT:** *name, phone number, e-mail*.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*background on action and steps taken to date (e.g., issuing ANPR)*

Pursuant to section 304(a)(4) of the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1434(a)(4)), the terms of designation of a National Marine Sanctuary may be modified only by the same procedures by which the original designation is made. Therefore, NOAA must comply with the procedures by which the Sanctuary was designated. Designations of National Marine Sanctuaries are governed by sections 303 and 304 of the NMSA (16 U.S.C. 1433, 1434). Section 304 requires the preparation of an environmental impact statement, State consultation, at least one public hearing, and gubernatorial



non-objection to the proposal as it pertains to State waters within the Sanctuary (this final rule pertains entirely to State waters). This final rule is therefore accompanied by a Final Supplemental Environmental Impact Statement/Final Management Plan (FSEIS/FMP). This final rule represents NOAA's preferred alternative as discussed in the FSEIS/MP. The Governor of *State* has forty-five days of continuous session of Congress beginning today to certify an objection to this final rule, should he make such a determination. If the Governor certifies an objection to this final rule, it will not take effect and the original prohibition will remain in effect.

NOAA issued an Advance Notice of Proposed Rulemaking (ANPR) on *date* (\_\_ FR \_\_\_\_), to inform the public of the issue under consideration and to invite general advice, recommendations, information, and other comments from interested parties. The comment period closed on *date*, with # comments received. NOAA issued a proposed rule on *date* (\_\_ FR \_\_\_\_), to inform the public of NOAA's proposed course of action and to invite comments from interested parties. The comment period closed *date*, with # written comments received. A public hearing was held *date*, with # verbal comments received. A general summary of written and verbal comments and NOAA's responses follows.

## II. Comments and Responses

### (1) Comment:

### Response:



**(2) Comment:****Response:****III. Summary of the Proposed Regulatory Amendment****V. Miscellaneous Rulemaking Requirements**National Marine Sanctuaries Act

Section 304(a)(4) of the National Marine Sanctuaries Act, 16 U.S.C. 1434(a)(4), provides that the terms of designation may be modified only by the same procedures by which the original designation is made. Designations of National Marine Sanctuaries are governed by sections 303 and 304 of the NMSA, 16 U.S.C. 1433, 1434. Section 304 requires the preparation of an environmental impact statement, State consultation, at least one public hearing, and gubernatorial non-objection to the proposal as it pertains to State waters within the Sanctuary.

Congress and the Governor of the State of *State* have forty-five days of continuous session of Congress beginning on the day on which this document is published to review the *document* before it takes effect. After the forty-five day review period, the *document* automatically becomes final and takes effect, unless the Governor of the State of *State* certifies within the forty-five day period to the Secretary of Commerce that the amendment to the Designation Document and regulations is unacceptable. In such case, the *document* cannot take effect in the area of the Sanctuary lying within the



seaward boundary of the State of *State*, and the original prohibition shall remain in effect. NOAA will publish in the *Federal Register* a notice of effective date following the forty-five day review period.

#### National Environmental Policy Act

When changing a term of designation of a National Marine Sanctuary, section 304 of the NMSA, 16 U.S.C. 1434, requires the preparation of an environmental impact statement (EIS) as provided by the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that the EIS be made available to the public. NOAA prepared and made available to the public a draft supplemental environmental impact statement/draft management plan on the *action*. A final environmental impact statement/final management plan has been prepared and is available to the public from the addresses listed at the beginning of this notice.

#### Executive Order 12866: Regulatory Impact

NOAA has concluded that this regulatory action is not significant within the meaning of section 3(f) of Executive Order 12866 because it will not result in:

(1) An annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, productivity, competition, jobs, the environment, or public health and safety; (2) A serious inconsistency or otherwise interfere with an action taken or planned by another agency;



(3) A material alteration of the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of such recipients; or

(4) Novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

#### Executive Order 12612: Federalism Assessment

NOAA has concluded that this regulatory action does not have sufficient federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

#### Regulatory Flexibility Act

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration as follows:

*text from certification memo*

Accordingly, a Regulatory Flexibility Analysis was not prepared.

#### Paperwork Reduction Act

This rule will not impose an information collection requirement subject to review and approval by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3500 et seq.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Education, Environmental protection, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

<i>Name</i>	<i>Date</i>
Assistant Administrator for Ocean Services and Coastal Zone Management	

Accordingly, for the reasons set forth above, 15 CFR Part 922 is amended as follows:

**PART 922—[AMENDED]**

1. The authority citation for Part 922 continues to read as follows:

**Authority:** 16 U.S.C. 1431 et seq.

2. *Other changes*



Notice of Effective Date

A Notice of Effective Date is used to let the public know when a new regulation and/or new management plan takes effect, after the 45 days of review by Congress.

3510-08

**DEPARTMENT OF COMMERCE****NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

15 CFR Part 922

[ Docket No.]

RIN 0648-AI06

*Title of Action; Confirmation of Effective Date*

AGENCY: National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Confirmation of effective date.

SUMMARY: On *date*, the National Oceanic and Atmospheric Administration (NOAA) published a final rule (     FR     ) to *action*. Under the National Marine Sanctuaries Act, the *document* would automatically take effect at the end of 45 days continuous session of Congress beginning on *date*, unless the Governor of *State* certified to the Secretary of Commerce the document as unacceptable in State waters. The 45-day review period ended on *date*. This document confirms the effective date as *date*.



Name	Date
Assistant Administrator for Ocean Services and Coastal Zone Management	



D: Clearance MemorandaOffice Director to Assistant Administrator, NOS

## Purpose:

- Requests the clearance of the AA of NOS on the attached document; and
- Requests clearance of AA on a memo to the Secretary.

MEMORANDUM FOR:        *Name*  
                                 Assistant Administrator

FROM:                      *Name*  
                                 Director

SUBJECT:                 *Name and Type of Document Being Cleared*

Attached for your clearance is *name and type of document* which *what document does*. An Information Memorandum to the Secretary is also attached. *Brief background on need for the document and summary of steps taken so far (e.g., scoping meetings held, studies conducted, etc.)*

*Expected level of controversy of action/document, reaction from impacted parties, steps taken to mitigate controversy*

*Next steps, if any*

Attachments

Assistant Administrator, NOS to Assistant Secretary, NOAA

## Purpose:

- Requests the clearance of the Assistant Secretary of NOAA on the attached document; and
- Requests clearance of Assistant Secretary on a memo to the Secretary.

MEMORANDUM FOR:

*Name*Assistant Secretary for Oceans and  
Atmosphere

FROM:

*Name*

Assistant Administrator

SUBJECT:

*Name and Type of Document Being Cleared*

Attached for your clearance and transmittal to *name*, Assistant General Counsel for Legislation and Regulations, Department of Commerce, is a *name and type of document* which *what document does*. An Information Memorandum to the Secretary is also attached. *Brief background on need for the document and summary of steps taken so far (e.g., scoping meetings held, etc.)*

*Expected level of controversy of action/document, reaction from impacted parties, steps taken to mitigate controversy*

*Next steps, if any*

If you approve, please so indicate and transmit the attached memorandum and its attachments to *name of Assistant General Counsel for Legislation and Regulations* for coordination with OMB.

This rule has been determined not to be significant for purposes of E.O. 12866.

\_\_\_\_\_  
Cleared by NOAA General Counsel

\_\_\_\_\_  
Date

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Concur

\_\_\_\_\_  
Do Not Concur

Assistant Secretary  
for Oceans and Atmosphere

Attachments



Assistant Secretary, NOAA to Assistant General Counsel for Legislation and Regulation, DOC

## Purpose:

- Requests the clearance of the Assistant General Counsel on Legislation and Regulation for DOC on the attached document; and
- Transmits a certification to the Small Business Administration that the action will not have a significant economic effect on a substantial number of small entities (if that is the case).

MEMORANDUM FOR:            *Name*  
Assistant General Counsel for Legislation  
and Regulation

FROM:                        *Name*  
Assistant Secretary for Oceans and  
Atmosphere

SUBJECT:                    *Name and Type of Document Being Cleared*

Attached is a *name and type of document* which *what document* does. An Information Memorandum to the Secretary is also attached. *Brief background on need for the document and summary of steps taken so far (e.g., scoping meetings held, studies conducted, etc.)*

*Expected level of controversy of action/document, reaction from impacted parties, steps taken to mitigate controversy*

Also attached for your signature is a memorandum to *name*, Chief Counsel for Advocacy for the Small Business Administration, certifying that the final rule will not have a significant economic effect on a substantial number of small entities.

Please notify *name of attorney*, GCOS at (301) 713-2969 upon clearance, or if you have any questions regarding this final rule.

Attachments

Assistant General Counsel for Legislation and Regulation, DOC to Chief  
Counsel for Advocacy, Small Business Administration

Purpose:

- Certifies to the Small Business Administration that the action will not have a significant economic effect on a substantial number of small entities (if that is the case).

MEMORANDUM FOR:

*Name*

Chief Counsel for Advocacy

Small Business Administration

FROM:

*Name*

Assistant General Counsel for Legislation and  
Regulation

SUBJECT:

Certification Under Section 605(b) of the  
Regulatory Flexibility Act for *Name of  
Document/Action*

I certify that the attached final rule issued under authority of the National Marine Sanctuaries Act, 16 U.S.C. 1431 et seq. will not have a significant economic impact on a substantial number of small entities. The final rule *action of final rule.*

*Brief background*

*Justification for certification*

Attachment

Assistant Secretary, NOAA to Secretary, DOC (Informational Memorandum)

## Purpose:

- Provides information to the Secretary of Commerce.

## INFORMATION MEMORANDUM FOR THE SECRETARY

FROM:        *Name*  
              Assistant Secretary for Oceans and Atmosphere

SUBJECT:   *Name and Type of Document Being Cleared*

## I.    SUMMARY

The National Ocean Service (NOS) is issuing a final rule which *action of rule*.

## II.   DISCUSSION

*Brief background*

*Expected level of controversy of action/document, reaction from impacted parties, steps taken to mitigate controversy*

E: Consultation Memoranda and LettersOffice Director to NMFS, ESA Section 7 Consultation

## Purpose:

- Requests NMFS to certify that formal consultation will not be necessary (if that is the case).

MEMORANDUM FOR:        *Name*  
                                 Director  
                                 Office of Protected Resources  
                                 NMFS

FROM:                      *Name*  
                                 Director

SUBJECT:                   Section 7 Consultation Under the  
                                 Endangered Species Act for *Action*

*Background and reason for action* By this memorandum, the National Marine Sanctuary Program (NMSP) is requesting NMFS/OPR to provide any information, recommendations, or other comments on NMSP's considered course of action.

In conformance with 50 CFR § 402.13 and 402.14, the NMSP also requests a determination as to whether a formal consultation pursuant to Section 7 of the Endangered Species Act (ESA), as amended, is necessary with regard to this considered course of action. We have also contacted the U.S. Fish and Wildlife Service regarding this requirement. We believe that a formal consultation will be *(or will not be)* necessary as *reasons*.

Please submit any information, recommendations, or comments, and NMFS' determination regarding formal consultation to *name* by *date*. *Name* can also answer any questions you might have, and can be reached at *phone number*. Thank you for your assistance on this action.

Attachment





Office Director to USFWS, ESA Section 7 Consultation

## Purpose:

- Requests USFWS to certify that formal consultation will not be necessary (if that is the case).

*Name*

Director

U.S. Fish and Wildlife Service

Department of the Interior

1849 C Street, N.W.

Washington, D.C. 20240

Dear *Name*:

*Background and reason for action* By this letter, the National Marine Sanctuary Program (NMSP) is requesting the Fish and Wildlife Service to provide any information, recommendations, or other comments on this considered course of action.

In conformance with 50 CFR § 402.13 and 402.14, the NMSP also requests a determination as to whether a formal consultation pursuant to Section 7 of the Endangered Species Act (ESA), as amended, is necessary with regard to this considered course of action. We have also contacted the National Marine Fisheries Service regarding this requirement. We believe that a formal consultation will be *(or will not be)* necessary as *reasons*.

The NMSP requests that the Fish and Wildlife Service respond to this letter by *date*. If you have any questions or need additional information, please contact *name* at *phone number*. Thank you for your assistance on this action.

Sincerely,

*Name*

Director

Enclosure



Office Director to NMFS, EFH Consultation

## Purpose:

- Requests consultation with NMFS on Essential Fish Habitat.

## MEMORANDUM FOR:

*Name*  
Director  
Office of Protected Resources  
NMFS

## FROM:

*Name*  
Director

## SUBJECT:

Essential Fish Habitat Consultation Under  
the Magnuson-Stevens Fishery Conservation  
and Management Act for *Action*

*Background and reason for action* By this memorandum, the National Marine Sanctuary Program (NMSP) is requesting NMFS/OPR to provide any information, recommendations, or other comments on NMSP's considered course of action.

Please submit any information, recommendations, or comments, and NMFS' determination regarding formal consultation to *name* by *date*. *Name* can also answer any questions you might have, and can be reached at *phone number*. Thank you for your assistance on this action.

Attachment

Office Director to DOI, Resource Assessment Consultation

## Purpose:

- Requests DOI to provide information or comments for the resource assessment report.

*Name*

Director

Office of Environmental Policy and Compliance

Department of the Interior

1849 C Street, N.W.

Washington, D.C. 20240

Dear *Name*:*Background and history of action*

Section 303(b) (3) of the National Marine Sanctuaries Act (NMSA) requires that, as part of the preparation of an Environmental Impact Statement, the Secretary of Commerce consult with the Department of the Interior and draft a "resource assessment report" that documents present and potential uses of the Sanctuary. The National Marine Sanctuary Program (NMSP) therefore requests DOI to provide any information, recommendations, or other comments on the *document or action*.

To ensure that any information, recommendations, or comments are considered in the preparation of the DSEIS, I would appreciate your response by *date*. If you require further clarification on this issue please contact *name* at *phone number*. We appreciate your assistance in this matter.

Sincerely,

*Name*

Director

Enclosure

Office Director to Advisory Council on Historic Preservation, National Historic Preservation Act §106

Purpose:

- Requests the comments of the Advisory Council on Historic Preservation on the proposed action.

*Name*

*Address*

*Address*

Dear *Name*:

In accordance with Section 106 of the National Historic Preservation Act, we advise you of *describe effect of proposed action on historic resources*.

*description of resources and proposed action*

We would appreciate your response by *date*. If you need additional information, please contact *name* at *number*.

Sincerely,

*Name*

Director

Enclosure

Office Director to General Federal Agency

## Purpose:

- Requests a Federal agency to provide information or comments on the proposed action.

## Recipients:

- Department of Defense;
- Department of Energy;
- Department of Transportation; and
- Environmental Protection Agency.

*Name**Title**Name of Department**Address**Washington, D.C.*Dear *Name*:

*Background and history of action* This process includes consulting with other Federal, tribal, and State agencies that might be affected or interested.

Therefore, the National Marine Sanctuary Program (NMSP) requests that you consider and provide any information, recommendations, or comments on the proposed course of action.

To ensure that any comments regarding the proposed course of action are considered in due time, I would appreciate receiving your comments by *date*. If further clarification of this issue is required please contact *name* at *phone number*. We appreciate your assistance on this action.

Sincerely,

*Name*

Director

Enclosure



Office Director to Congressional Member

## Purpose:

- Requests a Congressional member to provide information or comments on the proposed action.

## Recipients:

- Speaker of the House of Representatives;
- Majority Leader, United States Senate;
- Minority Leader, House of Representatives;
- Minority Leader, United States Senate;
- Chair, Resources Committee, United States House of Representatives;
- Chair, Committee on Commerce, Science, and Transportation, United States Senate; and
- President of the Senate.

The Honorable *Name*

*Title*

Washington, D.C. 20510 or 20515

Dear Mr. Speaker:

*Background and history of action* This process includes consulting with other Federal, tribal, and State agencies that might be affected or interested. In this case it means obtaining Congressional approval.

As *title*, NOAA requests that you consider this proposed regulatory change and provide us with your comments. To ensure that any comments regarding the action are given due consideration, I would appreciate receiving your comments by *date*. If a response is not received by that date, NOAA will assume that you concur with the action and do not have any concerns.

Thank you for your assistance on this action. If further clarification of this issue is required please contact *name* at *phone number*.

Sincerely,

*Name*  
Director

Enclosure



NATIONAL MARINE  
SANCTUARIES

Office Director to State CZM Agency, Federal Consistency

## Purpose:

- Requests the State CZM agency to certify that the action is consistent with the State's CZM plan (if that is the case).

*Name**Title**Agency**Address**Address*Dear *Name*:

The CZMA requires that "each federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved state management programs." 16 U.S.C. § 1456(c)(1)(A). *State* has a federally approved Coastal Management Program (CMP).

Based upon the following information, data and analysis the National Marine Sanctuary Program (NMSP) has determined that the management plan is consistent to the maximum extent practicable with the enforceable policies of *State's* CMP. Upon receipt of this consistency determination the *State* CMP is notified that it has 45 days (plus any applicable extension under 15 C.F.R. § 930.41(b)) from the receipt of this letter in which to agree or disagree with the NMSP's determination. The agreement or disagreement of the *State* CMP with the NMSP's consistency determination shall be sent to: *name and address*.

The management plan will *insert a detailed description of the management plan*.

The NMSP has determined that the management plan affects the land or water uses or natural resources of the *State's* coastal zone in the following manner:

*provide analysis of coastal effects or reference pages of NEPA document if appropriate.*

The NMSP has evaluated the following applicable enforceable policies of the *State* CMP: *describe applicable State CMP enforceable policies and include evaluation of the activity's consistency with the enforceable policies.*

Sincerely,

*Name*  
Director  
NMSP

Enclosure



Office Director to General State Agency

## Purpose:

- Requests a State agency to provide information or comments on the proposed action.

## Recipients:

- State Parks Agency;
- State Fish/Wildlife Agency; and
- State Tourism Agency.

*Name**Title**Name of Agency**Address**Address*Dear *Name*:

*Background and history of action* This process includes consulting with other Federal, tribal, and State agencies that might be affected or interested.

As the State agency with jurisdiction over *resources*, NOAA requests that you consider and provide any information, recommendations, and other comments to NOAA by *date*, for due consideration.

We look forward to working with you during this process. Please contact *name* at *phone number* if you have any questions.

Sincerely,

*Name*

Director

Enclosure

NATIONAL MARINE  
SANCTUARIES

Office Director to Governor

## Purpose:

- Requests the Governor to provide information or comments on the proposed action.

The Honorable *Name*  
Governor of *State*  
*address*  
*address*

Dear Governor *Name*:

*Background and history of action* This process includes consulting with other Federal, tribal, and State agencies that might be affected or interested. The National Marine Sanctuary Program (NMSP) has notified, by letter, *list of state agencies* and requested these agencies to provide information, recommendations, or comments. All information, recommendations and comments will be considered in *course of action*.

This letter is to inform you that the NMSP is considering the course of action described above and requests your office to provide any information, recommendations or comments on this matter. Should the NMSP move forward this course of action, under the National Marine Sanctuaries Act, you will have 45 days of continuous session of Congress to review *action*. During that period, should you certify to the Secretary of Commerce that the rule and modification is unacceptable, it will not take effect in the State waters of the Sanctuary.

If additional information is required, please contact *name* at *phone number*. We look forward to working with the State of *State* as this process goes forward.

Sincerely,

*Name*  
Director

Enclosure



F: Transmittal MemorandaOffice Director to Governor

## Purpose:

- transmits Final Rule/Final Management Plan to the Governor for his/her 45 days of review.

The Honorable *Name*  
Governor of *State*  
*address*

Dear Governor *Name*:

On behalf of the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, I am pleased to submit *document* to *action*.

*description/background of action*

Under section 304(b) of the National Marine Sanctuaries Act, you have 45 days of continuous session of Congress beginning today to review the document before it takes effect. After the 45-day review period, the *document/action* automatically becomes final and takes effect, unless you certify within the 45-day period to the Secretary of Commerce that the amendment to the management plan and regulations is unacceptable. In such case, the amendment cannot take effect in the area of the Sanctuary lying within the seaward boundary of the State of *State*. NOAA will publish in the *Federal Register* a notice of effective date following the 45-day review period.

Sincerely,

*Name*  
Director

Enclosure

Office Director to Congressional Members, Informational Transmittal

## Purpose:

- transmits Final Rule/Final Management Plan to the Congressional representatives from the affected area(s) for their 45 days of review.

The Honorable *Name*

United States Senate or House of Representatives

Washington, D.C. 20510 or 20515

Dear Senator or Representative *Name*:

On behalf of the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, I am pleased to submit *document* to *action*. This document is submitted in compliance with section 304 of the National Marine Sanctuaries Act.

*description/background of action*

Under section 304(b) of the National Marine Sanctuaries Act, the Governor of *State* has 45 days of continuous session of Congress beginning today to review the amendment to the management plan and regulations before they take effect. After the 45-day review period, the *action/document* automatically becomes final and takes effect, unless the Governor certifies within the 45-day period to the Secretary of Commerce that the *action/document* is unacceptable. In such case, the *action/document* cannot take effect in the area of the Sanctuary lying within the seaward boundary of the State of *State*. NOAA will publish in the *Federal Register* a notice of effective date following the 45-day review period.

Sincerely,

*Name*

Director

Enclosures



NATIONAL MARINE  
SANCTUARIES

G: Congressional Review Form

- transfers the final rule to the President of the Senate, Speaker of the House, and the General Accounting Office, as required under the CRA. It is available on-line at: <http://www.gao.gov/decisions/majrule/submit.htm>.

<h2 style="margin: 0;">Submission of Federal Rules</h2> <h3 style="margin: 0;">Under the Congressional Review Act</h3>	
<input type="checkbox"/> President of the Senate <input type="checkbox"/> Speaker of the House of Representatives <input type="checkbox"/> GAO	
Please fill the circles electronically or with black pen or #2 pencil.	
1. Name of Department or Agency	2. Subdivision or Office
3. Rule Title	
4. Rule Identification Number (RIN) or Other Unique Identifier (if applicable)	
5.            Major Rule <input type="radio"/> Non-major Rule <input type="radio"/>	
6.            Final Rule <input type="radio"/> Other <input type="radio"/> _____	
7. With respect to this rule, did your agency solicit public comments?            Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>	
8. Priority of Regulation (fill in one) <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="text-align: center;"> <input type="radio"/> Economically Significant; or Significant; or Substantive, Nonsignificant             </div> <div style="text-align: center;"> <input type="radio"/> Routine and Frequent or Informational/Administrative/Other <small>(Do not complete the other side of this form if filled in above.)</small> </div> </div>	
9. Effective Date (if applicable)	
10. Is a concise Summary of the Rule provided?            Yes <input type="radio"/> No <input type="radio"/>	
Submitted by: _____ (signature) Name: _____ Title: _____ _____	
For Congressional Use Only: Date Received: _____ Committee of Jurisdiction: _____	



	Yes	No	N/A
A. With respect to this rule, did your agency prepare an analysis of costs and benefits?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B. With respect to this rule, at the final rulemaking stage, did your agency			
1. certify that the rule would not have a significant economic impact on a substantial number of small entities under 5 U.S.C. § 605(b)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. prepare a final Regulatory Flexibility Analysis under 5 U.S.C. § 604(a)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. With respect to this rule, did your agency prepare a written statement under § 202 of the Unfunded Mandates Reform Act of 1995?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
D. With respect to this rule, did your agency prepare an Environmental Assessment or an Environmental Impact Statement under the National Environmental Policy Act (NEPA)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E. Does this rule contain a collection of information requiring OMB approval under the Paperwork Reduction Act of 1995?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
F. Did you discuss any of the following in the preamble to the rule?			
● E.O. 13132, Federalism	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
● E.O. 12630, Government Actions and Interference with Constitutionally Protected Property Rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
● E.O. 12866, Regulatory Planning and Review	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
● E.O. 12988, Civil Justice Reform	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
● E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
● Other statutes or executive orders discussed in the preamble concerning the rulemaking process (please specify)			



Appendix II: Glossary

action plan - a major section of a management plan containing related strategies and activities designed to address a specific issue or function.

activity - specific actions that will be taken to carry out a strategy. **Example:** *Double the number of ship patrols within the Sanctuary.*

goal - broad statements characterizing the general management responsibilities of the site. **Example:** *Maintain, restore, enhance, and protect the resources of the Sanctuary.*

issue - according to site staff, SAC members, and members of the general public/stakeholders, the most pressing obstacles facing the site's capacity to achieve its goals and objectives. **Example:** *Species depletion.*

management plan - site-specific documents that the NMSP uses to manage individual Sanctuaries.

objective - statements that articulate in fairly general terms possible means by which each goal can be achieved. **Example:** *Build, implement, and maintain/revise the surveillance and enforcement presence needed to ensure compliance with Sanctuary regulations and adequate protection of site resources.*

outcome - a succinct and concise statement that articulates a desired future for the site relative to a specific problem statement; whenever possible, the outcome statement should be stated in quantifiable (and therefore measurable) terms. **Example:** *By FY05 eliminate illegal use of speargun power heads used in Sanctuary spearfishing.*

performance measure - the specific measurement that demonstrates a strategy's ability to achieve the desired outcome and alleviate the stated problem. **Example:** *Increased enforcement leads to decreased use of spearguns in the Sanctuary.*

problem statement - a one to two-sentence articulation of the specific components of the issue; "What exactly are the reasons that make you think this is an issue? What are the integral parts of the obstacle? **Example:** *Spearfishing, legal and illegal, targets the largest and most reproductive reef species.*

strategy - the means by which a particular desired outcome can be achieved. **Example:** *Clarify definitions in existing regulations for spearfishing.*

vision - a long-term projection of the site's overarching intentions; a broad, very general statement answering the question "Why are we here?"

## Appendix III: Acronyms

ADA -	Americans with Disabilities Act
APA -	Administrative Procedures Act
CRA -	Congressional Review Act
CZMA -	Coastal Zone Management Act
DMP -	Draft Management Plan
DOC -	Department of Commerce
DOI -	Department of the Interior
DOT -	Department of Transportation
EA -	Environmental Assessment
EIS -	Environmental Impact Statement
EPA -	Environmental Protection Agency
ESA -	Endangered Species Act
FACA -	Federal Advisory Committee Act
FAQ -	frequently asked questions
FMP -	Final Management Plan
GAO -	General Accounting Office
GCOS -	General Counsel for Ocean Services, NOAA
MSFCMA -	Magnuson-Stevens Fishery Conservation and Management Act
MPA -	marine protected area
NEPA -	National Environmental Policy Act
NGO -	non-governmental organization
NHPA -	National Historic Preservation Act
NMFS -	National Marine Fisheries Service
NMS -	National Marine Sanctuary
NMSA -	National Marine Sanctuaries Act
NMSP -	National Marine Sanctuary Program
NOAA -	National Oceanic and Atmospheric Administration
NOS -	National Ocean Service
PRA -	Paperwork Reduction Act
SAC -	Sanctuary Advisory Council
USFWS -	U.S. Fish and Wildlife Service





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